

Agenda – Culture, Welsh Language and Communications Committee

Meeting Venue:	For further information contact:
Video Conference via Zoom	Manon George
Meeting date: 17 September 2020	Committee Clerk
Meeting time: 09.30	0300 200 6565
	SeneddCWLC@senedd.wales

- 1 Introductions, apologies, substitutions and declarations of interest**

- 2 Scrutiny of the Deputy Minister for Culture, Sport and Tourism**
(09.30–10.30) (Pages 1 – 17)
Dafydd Elis–Thomas, Deputy Minister for Culture, Sport and Tourism, Welsh Government
Jason Thomas, Director, Culture, Sport and Tourism, Welsh Government

- 3 Paper(s) to note**
 - 3.1 Correspondence with Reach plc on proposed reorganisation**
(Pages 18 – 22)
 - 3.2 Correspondence with the Welsh Government on funding for the cultural sector**
(Pages 23 – 26)
 - 3.3 Response from the Welsh Government to the short report on the impact of COVID–19 on sports**
(Pages 27 – 30)
 - 3.4 Correspondence with the Department for Culture, Media and Sport**
(Pages 31 – 34)
 - 3.5 Letter from Sport Wales Update on the Sport Resilience Fund**
(Pages 35 – 37)



- 4 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the remainder of the meeting**

Break

(10.30–10.45)

- 5 Briefing from the Welsh Government on Welsh Language Standards (No. 8) Regulations**

(10.45–11.30)

(Pages 38 – 80)

Bethan Webb, Deputy Director, Welsh Language Division

Alan Jones, Head of Welsh Language Legislation Branch

Lowri Jones, Senior Legislation Officer

- 6 Private debrief**

(11.30–12.00)

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Jim Mullen
Chief Executive Officer
Reach plc

cc. Dafydd Elis-Thomas MS
Deputy Minister for Culture, Sport and Tourism
Welsh Government

Dyddiad | Date: 10 August 2020

Pwnc | Subject: **Reorganisation at Reach plc and the impact on journalism in Wales**

Dear Jim,

We are grateful to Alan Edmunds, Chief Operating Officer at Reach plc and Paul Rowland, Editor-in-Chief of Media Wales for appearing before the Culture, Welsh Language and Communications Committee on 5 August.

As you know, the Committee is deeply concerned about the proposed redundancies at Reach plc and the decision to merge Media Wales with the English midlands division for 'logistical and financial' reasons to produce more common content that can be used across Reach's platform and the impact this will have of the plurality and quality of journalism in Wales.

Given that Wales has fewer media outlets than other areas of the UK to lose in the first place, we are concerned that a reduction in the number of journalists operating in Wales will result in the dilution of Welsh content, making it even more difficult for the people of Wales to access accurate and relevant news and information.

We are also concerned that Reach's business model is focused on digital content and the impact this will have on the coverage of Welsh issues. The global shift from physical to digital news consumption has clearly revolutionised the sector. Members of the Senedd have long been concerned that Reach's cost-cutting, consolidating approach to adapting to the new world of news consumption has had a detrimental impact on the coverage of Welsh life. The most recent set of proposals seem to accelerate this trend. Following the evidence session with Alan and Paul, Members were not reassured that the people of Wales will not see a reduction in Welsh content, in quality and volume, as a result of these proposals.

We appreciate that the pandemic has brought enormous challenges to a sector that was already struggling. However we would urge you to reconsider how you respond to those challenges. The pandemic has



accelerated change for a number of businesses but we believe that long-term business decisions should be made when we are in a post-COVID situation, rather than being made in the midst of crisis. There is a risk that making permanent and major decisions now could have a more severe impact than would be the case if such decisions were made later down the line when we have a clearer understanding of the impact of the pandemic on the business.

We are concerned that the proposals being put forward are not in the interests of Wales and Welsh democracy. As we heard from Martin Shipton and Pamela Morton from the National Union of Journalists on 5 August, 'Welsh democracy is served by having a thriving media sector' and the 'constant chipping away at journalists and the number of journalists employed is very debilitating and is not good for Welsh democracy.'

The Committee urges you to consider merging all the Reach business in Wales, instead of merging Media Wales with an English division of Reach which could have a devastating impact on news coverage from Wales about Wales. Creating an all Wales division would ensure that the production and editorial control of Welsh titles remains in Wales. In your response to this letter, we would be grateful if you could provide us with details of what consideration, if any, you have given to this proposal and set out what you consider to be the advantages and disadvantages of such a proposal.

Members were also very concerned to hear that there have been no discussions with the Welsh Government about your proposals. In May 2018, the Committee published a [report into news journalism](#), which concluded that the decline of commercial news journalism 'is a profound public policy issue, which policy makers at all levels, not least the Welsh Government, need to address as a priority issue'. Following the current proposals from Reach, the Deputy Minister for Culture, Sport and Tourism told the Senedd on [15 July](#) 'I also commit to ask for a meeting with the management of Reach'. I am therefore copying this letter to the Deputy Minister.

As this is an urgent issue with potentially severe consequences for journalism in Wales, I would be grateful if you could respond as soon as possible.

Yours sincerely,



Helen Mary Jones MS

Chair of the Culture, Welsh Language and Communications Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Reach

12th August 2020

Helen Mary Jones MS
Chair, Culture, Welsh Language and Communications Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

Dear Chair

Thank you for the opportunity to appear before the Committee last week. I was already in the process of writing to the committee so Jim Mullen, our CEO, has asked me to include the points you raised in your letter to him in this reply.

We do understand the concern of the committee about changes at Reach but would like to reassure members about the commitment of Reach plc to continue to serve our Welsh audience – whether they choose to access our content via print or our digital services.

Our investment and commitment to our digital services, in addition to maintaining our print publications, are key to the future of our organisation and to the continuation of effective democratic scrutiny of events in Wales. While we were very pleased to hear the appreciation of the committee for the Western Mail and other print publications it is disappointing there is not more of an appreciation of the success of Wales Online which continues to attract a leading audience in Wales. In June the site had 9.7 million unique visitors, compared with 4.9 million in June last year. This is far in excess of the audience achieved by BBC Wales News.

I was pleased to see one of the committee members retweeting a political story from Wales Online recently. Far from the suggestion that we do not regularly cover Committee matters from the Senedd, the truth is we regularly cover them – the links below are some recent examples. In addition to news coverage like the examples below, we regularly refer to proceedings in live blogs or to inform wider reporting. We monitor the

Contd

Reach

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Reach

scrutiny committee agendas daily, and at the start of the pandemic covered several hearings live – giving them a far wider audience and more comprehensive coverage than would otherwise have been the case.

<https://www.walesonline.co.uk/news/wales-news/schools-wales-education-kirsty-williams-18556320>

<https://www.walesonline.co.uk/news/health/coronavirus-wales-lockdown-second-wave-18609096>

<https://www.walesonline.co.uk/news/health/coronavirus-test-covid19-false-negative-18527236>

<https://www.walesonline.co.uk/news/health/frontline-healthcare-workers-reflect-wales-18599788>

The impact of the COVID-19 pandemic on circulation sales has been significant but the impact on advertising, particularly at a local level, has been even more dramatic with around 80% of advertisers at a local level stopping advertising across the industry when the impact was at its worst.

It is essential that Reach continues to adapt to the changing media landscape and we believe passionately that the success of our commercial model is key to ensuring a healthy independent local media sector in Wales and across the UK.

There were a number of aspects of the Committee's concerns that we can immediately address.

The first is that there is no "merging Media Wales with the English Midlands" and to characterise this as such is to misrepresent the changes we are making. The Media Wales operation remains as part of the Reach structure with all editorial decisions for our Media Wales titles remaining under Paul Rowland's remit. What we are doing is increasing the efficiency of our organisation by pooling some logistical/commercial operations. By acting more efficiently we can prolong the profitability of our print titles and ensure that we continue to provide the scrutiny that the Committee values.

In terms of the concern around Wales not having a voice at a senior level in Reach – the fact is Wales now has greater representation on the Executive Board than it has ever had with me as Chief Operating Officer of the Group, a former editor of the Western Mail with responsibility for regional titles including those in Wales.

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Reach

In terms of creating an 'all-Wales' division – this would currently be more disruptive and costly than maintaining the existing structure as historically the North Wales titles have always been part of the Daily Post series produced in Liverpool. We do not wish to add further complexity and disruption to this proposed reorganisation. It should be remembered that protecting the status quo around editorial control in Wales was a driving factor in the way we have implemented these required changes.

With around 20 journalist roles likely to go in Wales as a result of the changes we will still employ around 120 journalists in Wales. We also continually look to innovate and develop new products - illustrating how digital will be part of the solution for local community news.

Reach has significant financial commitments including pension contributions of several million pounds per month. While we were able to take short-term measures to help us through the early months of this crisis we are now at a point where a more permanent solution is required to provide the business with a stable platform and enable it to protect its news titles for the long term.

We will be pleased to meet with the Deputy Minister for Culture, Sport and Tourism to discuss the planned changes and as we referenced at the meeting we will continue to communicate with all members who wish to discuss these matters. We would also welcome Committee support around the recent CMA proposals to address the imbalance in the digital marketplace and would welcome an opportunity to discuss this further with the Deputy Minister. I attach a copy of the CMA recommendations for the Committee's information.

Yours sincerely



Alan Edmunds
Group Chief Operating Officer, Reach plc

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Dafydd Elis-Thomas
Deputy Minister for Culture, Sport and Tourism
Welsh Government

6 July 2020

Dear Dafydd,

UK Government additional funding for culture

I would like to join you in welcoming the news from the UK Government that they are investing £1.57 billion in culture. In anticipation of the Welsh Government's decision on how the £59 million coming to Wales will be spent, I would like your assurance that the total sum will be used to support the cultural sector. We know that this sector suffered a catastrophic loss of income from the overnight closure of venues. Given that the public resumption of activity for many could be some months away, every penny will be needed to support the arts, creative industries, museums and galleries.

£59 million is a significant sum of money, but is noticeably less than a population-based share of the total £1.57 billion funding package. Could you please confirm how Wales's share of this total funding was determined, and whether you are content with it?

As part of the Committee's inquiry into the impact of COVID-19 on areas within its remit, we heard from the Arts Council of Wales of the scale of the threat to our venues and artists. Nick Capaldi, Chief Executive of the Arts Council, told the Committee how they had prioritised funding through the Council's stabilisation and resilience funds, but that even so, there was only sufficient funding to support the sector until September. We hope this additional funding will be the lifeline that our cultural venues need to ensure they can weather the storm until



audiences can return in full. I would be grateful if you could set out how the additional funding will be used to support arts and cultural venues?

We also heard that there are worrying gaps in the support for those who work in the arts and the creative industries. At our meeting on 12 May you mentioned that the Welsh Government is aware that freelance workers have found it difficult to access support from the UK Government's Self-Employment Income Support (SEIS) scheme. I know you share my concerns that both the SEIS and Job Retention schemes should be continued beyond October this year. If these schemes are wound up according to the current timetable, there is potential for a large number of job losses and substantial economic hardship for those who work in the sector. Can you confirm whether, with the additional funding announced this week, the Welsh Government will be planning some form of income support for those working in the arts and creative industries?

We are fast running out of time if we are to stabilise and sustain our artistic talent and infrastructure. I would be grateful if you could update the Committee setting out how the Welsh Government will prioritise the additional funding to ensure our arts organisations are not forced to close their doors for good or make valued employees redundant.

Finally, your personal commitment to culture and the arts is well known. I hope, therefore, that we can rely on you to ensure that the flow of investment that we will see into England's cultural infrastructure is matched by a similar determination to make the most of the funds that are available here to Wales.

Yours sincerely,



Helen Mary Jones

Chair of the Culture, Welsh Language and Communications Committee





Helen Mary Jones MS
Chair - Culture, Welsh Language and Communications Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1NA

03 August 2020

Dear Helen,

Thank you for your correspondence of 6 July with regards to the UK Government's announcement of a £1.57bn package of support for the culture sector. A consequential of £59m has been received by the Welsh Government.

You will be aware by now of the Welsh Government announcement of a £53m fund to help Wales' diverse culture sector deal with the impact of the coronavirus pandemic. The total funding package is £53m in 2020-21 comprising £50m revenue and £3m capital.

The fund is intended to provide essential support to theatres, galleries, music venues, heritage sites, museums, libraries, galleries, archive services, events and festivals, and independent cinemas who have all seen a dramatic loss of revenue due to the pandemic. Funding will support both organisations and individuals in the sector.

The announcement comes on top of the £18m portfolio package provided in April, which was delivered by the Welsh Government, Arts Council of Wales and Sport Wales.

We have listened and worked with our partners across the cultural and creative sectors to put this second package of support together.

The fund will be delivered jointly with the Arts Council of Wales and has a "cultural contract" at its heart to help the sector emerge from the pandemic stronger than ever. This package will help support many in the sectors in responding to the pressures and challenges coronavirus has placed on them, it also presents a unique opportunity to deliver a step change – we will develop a cultural contract so that the sector can re-emerge stronger. This would ensure successful applicants commit to ensuring public investment is deployed with a positive, targeted social purpose.

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

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

Further details, including guidance for applicants, will be announced later in August.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elis-Thomas'.

Yr Arglwydd Elis-Thomas AS/MS

Y Dirprwy Weinidog Diwylliant, Chwaraeon a Thwristiaeth
Deputy Minister for Culture, Sport and Tourism

Agenda Item 3.3

Welsh Government Response to the Culture, Welsh Language and Communications Committee's Report on the Impact of the Covid-19 outbreak on Sport.

Recommendation 1: The Welsh Government should lobby the UK Government to ensure that the Self-Employed Income Scheme is revised so that no self-employed people in the sport and physical activity sector fall through the gaps.

WG response: Accept.

We continue to engage with the UK Government so that as many self-employed people in Wales have access to the scheme. I am fully aware that many of the sectors within my portfolio will be the last sectors to recover from the crisis and more support will be required over a longer period. The Minister for Finance and Minister for Economy wrote a joint letter to the UK Chancellor in June about the importance of extending the Job Retention Scheme and Self-Employment Income Support Scheme and we continue to make the case for those sectors that have been severely impacted by the crisis.

Financial Implications: None.

Recommendation 2: The Welsh Government should work with local authorities to consider the support available for leisure trusts and be prepared to extend the necessary public support to ensure the survival of leisure trusts and community clubs.

WG response: Accept.

We have engaged with Community Leisure UK, the representative organisation, and with the leisure operators themselves throughout this crisis and that engagement will continue. We are also working closely with key partners such as Welsh Local Government Association to discuss the support that is given to support leisure trusts and community groups. Sport Wales has already committed support to help leisure trusts in Wales. It has also supported the Welsh Local Government Association in providing advice to councils on supporting leisure operators. Despite these efforts, we know the longer-term needs for these parts of the sector are greater than the funding support currently in place and we have been calling on the UK Government to provide additional support.

Financial Implications. No additional financial implications for the Welsh Government.

Recommendation 3: The Welsh Government's recovery plan and financial support for the sector should tackle the widening gap in physical inactivity within and between demographic groups.

WG response: Accept.

Sport Wales takes into consideration those areas that are most in need when providing support. Sport Wales reports that there has been a significant impact on people's activity levels, with those from lower socio-economic groups most severely affected. The Sport Wales strategy had already identified the targeting of resources to support those most affected as a priority. This current period has accelerated that need, not only within the sport sector but across policy portfolios, throughout the continued COVID-19 crisis and in the future. Sport Wales' support to partner organisations has already been focused to ensure that the investments and resources are aimed at having the biggest impact on tackling the inequalities gap.

Financial Implications: No additional financial implications for the Welsh Government.

Recommendation 4: The Welsh Government should lead conversations with representatives from the health and sport sectors to set a long-term, joined-up policy direction for physical activity and public health.

WG response: Accept.

We are already having regular dialogue with key partners such as Public Health Wales, the Welsh Sports Association and Sport Wales to ensure there is a joined up approach when developing future policies involving sport, physical activity and public health. There is already a mechanism for linking health and sport through the Wales Physical Activity Partnership and positive early progress has been made. Initiatives such as the Healthy and Active Fund, and planned activity around families' offers and older adults that were outlined within the Healthy Weight: Healthy Wales Strategy, provide a foundation for this work, although their purpose and delivery may need to be reviewed in light of COVID-19. Physical activity is one of the greatest positive interventions to support the people of Wales to manage their mental and physical health and wellbeing. Increased collaboration across sectors that create more accessible opportunities to be physically active plays an important part of our recovery plan from COVID-19.

Financial Implications: No additional financial implications for the Welsh Government.

Recommendation 5: The Welsh Government should provide details to the Committee of its engagement with the UK Government in relation to a joined up approach to the return of sport.

WG response: Accept.

The Welsh Government has regularly engaged with officials from the UK Government from the outset of the current crisis and continues to do so as the situation changes and our guidance on a return to sport evolves. My officials have a roundtable discussion with the UK Government, the Scottish Government and the

Northern Ireland Executive on a weekly basis. The UK Sports Cabinet also provides opportunity for further engagement.

Financial Implications: No additional financial implications for the Welsh Government.

Recommendation 6: The Welsh Government should issue guidance on mass gatherings for sporting events, which recognises the unsuitability of a broadbrush approach. This guidance should be developed in collaboration with sport governing bodies and facility providers as soon as possible.

WG response: Accept.

The Welsh Government is in the process of developing guidance for the safe, phased return of outdoor events, informed by the latest scientific advice on COVID-19 and our ongoing review of coronavirus regulations in Wales. We have already published guidance for the sector and that work will continue to evolve as the situation develops. Guidance for the return of indoor events will follow in due course. The Welsh Government is working in collaboration with the events industry in Wales which includes venue owners/operators, as well as Sport Wales, the Welsh Sports Association and other stakeholders from across our sport and leisure sectors.

Financial Implications: No additional financial implications for the Welsh Government.

Rt Hon Oliver Dowden CBE MP

Secretary of State for Digital, Culture, Media and Sport

4 June 2020

Dear Oliver

Report on the impact of the COVID 19 outbreak on the arts sector in Wales

I attach a copy of the Culture, Welsh Language and Communications Committee's report on the impact of the COVID 19 outbreak on the arts sector in Wales.

The report reflects the concerns we heard that this pandemic may result in many organisations going out of business and artists and performers losing their livelihoods. I know that the UK Government is working on the immediate challenge of reopening cultural hubs and the longer term challenge of renewing the arts sector once the lockdown is lifted.

I note that you have appointed a Commissioner for Cultural Recovery and Renewal, Neil Mendoza, to lead a Cultural Renewal taskforce. Initiatives and guidance agreed at the UK level are likely to have an impact on Welsh venues and businesses. I would be grateful if you could set out how representatives from venues and arts organisations in Wales will be included in this work and that of the Entertainment and Events Working Group.

Wales is heavily reliant on visitors from England to our cultural events. It is vital that Wales is represented in the UK Government's efforts to help get the cultural and creative sectors back up and running. In order to inform our stakeholders of the work in this area, please can you set out how you are working with the Welsh Government and representatives from Wales on these efforts?



The report makes recommendations on the extension of financial support schemes, and our desire to ensure no artists fall through the gaps in eligibility for them, for this reason I am also writing to the Chancellor of the Exchequer, Rt Hon Rishi Sunak MP.

Many people have contacted me with their concerns about their pressing financial difficulties and I would like to give them assurances that Wales is represented at the UK level of efforts to support our arts. I would therefore be grateful if you could respond at your earliest convenience.

Yours sincerely,

A handwritten signature in black ink that reads "Helen Mary Jones". The signature is written in a cursive style with a small dash at the end.

Helen Mary Jones

Chair of the Culture, Welsh Language and Communications Committee





Department for
Digital, Culture,
Media & Sport

Caroline Dinenage MP
Minister for Digital and Culture
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Helen Mary Jones
Chair of Culture, Welsh Language and
Communications Committee
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19 August 2020

Our Ref:
MC2020/08821

Dear Ms Jones,

Thank you for your correspondence of 4 June, to the Secretary of State for Digital, Culture, Media and Sport, the Rt Hon Oliver Dowden CBE MP, enclosing a copy of the Culture, Welsh Language and Communications Committee's report on the impact of the COVID-19 outbreak on the arts sector in Wales. I am responding as the Minister for Digital and Culture.

I appreciate you sending us this report, which I have shared with officials. I would however, like to reassure you that the government recognises that these are incredibly challenging times for all associated with the arts and culture sector across the whole of the UK. This sector has, to some degree, been hit harder by the impact of lockdown measures than other sectors, and I fully understand your concerns.

As you will know, on 5 July the government announced an unprecedented £1,57 billion financial package to support the sector. Culture and Heritage are at the heart of communities across the country, enriching the lives of millions, and this financial investment is testament to the role this sector plays in our lives. The fund will protect cultural assets of international, national and regional importance, including supporting the levelling up agenda by preventing the loss of valuable cultural fabric from our towns and regions. This fund will support organisations through to the Spring of 2021, and as you will know, Welsh cultural organisations will also benefit from this funding with £59 million being provided to the Welsh Parliament under the Barnett formula. It is of course up to the Welsh Parliament how this money is spent.

DCMS has also been working closely with Arts Council England to monitor and respond to the challenges being faced by the arts and cultural sectors, and Arts Council England's £160 million emergency response package has already helped over 10,000 individuals and organisations. I am aware that the Arts Council of Wales has implemented similar support packages, which is a positive step.

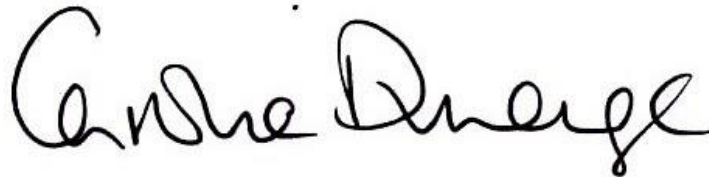
As we ease the lockdown conditions, myself, ministers and officials are continuing to consult the creative and cultural sectors extensively to ensure we fully understand the potential impacts of the COVID-19 outbreak on the sector. As you may know, the Secretary of State recently revealed a five stage roadmap that the UK Government will work through to get the performing arts sectors back up and running. On 9 July we also published guidance for people who work in performing arts, including arts organisations, venue operators and participants which will help people understand how they can work and take part in the performing arts safely, and keep

their audiences safe. I understand the Welsh Parliament have also published their guidance too.

While the arts remain a devolved issue, my officials will continue to work closely with the devolved administrations to ensure that our arts and cultural sectors across the country are able to recover successfully from this current crisis.

Thank you once again for writing and I hope this information is useful.

With best wishes,

A handwritten signature in black ink that reads "Caroline Dinenage". The signature is written in a cursive, flowing style.

Caroline Dinenage MP
Minister of State for Digital and Culture



3 September / Medi 2020

Helen Mary Jones MS/AS
Chair / Cadeirydd
Culture, Welsh Language and Communications Committee /
Pwyllgor Diwylliant, y Gymraeg a Chyfathrebu
Public Accounts Committee
Welsh Parliament / Senedd Cymru
Cardiff / Caerdydd
CF991NA

Dear Helen Mary Jones MS,

As you know Sport Wales were very grateful to the committee for the work it did as part of the enquiry into the impact of Covid-19 on the sport sector. We were very pleased to be able to provide written and verbal evidence as part of that approach and, in line with the recommendations within the report, I am writing to you with an update on the Sport Resilience Fund.

Below is a review to date of the emergency funding put in place by Sport Wales. The figures are accurate as of September 1st.

National Governing Body and Local Authority allocations:

As we reported in our initial written evidence to the committee the immediate approach to the challenges of COVID19 on the sport sector was to work to ensure that sports organisations, clubs and facilities survived. One key decision in this was to have a more flexible approach to the way Sport Wales partners utilised their funding. We issued offer letters to all funded partners on the 1st April and agreed that these could be accepted via email, with payments being made as a matter of urgency. We stated we would be flexible with how funding would be used especially over the initial 12 weeks but reiterated we would need partners to ensure any changes were tracked to comply with audit expectations and requirements. A total of 68 payments totalling £6,008,953.30 for processed on the 16th of April, leaving only a small number of annual funded partners receiving payment after this date.

Emergency Relief Fund:

The Emergency Relief Fund (ERF) was first opened on April 8th. The fund was established to support not for profit sports clubs and organisations facing immediate financial difficulties. Over the course of the fund it supported 342 successful application to a total commitment of £605,235.



Be Active Wales:

With the closure of the ERF, the Be Active Wales Fund (BAWF) was launched on July 7th. This fund extended the approach of the ERF and covers both a protect element to support clubs still facing financial difficulties, as well helping to prepare sports to return to activity. The prepare element of the fund covers a range of issues to protect and safeguard individuals against the risk of contracting coronavirus. A total of £4m has been set aside for allocation.

Overall, there has been a total of £2,856,356 in support requested. This total request is being evaluated in stages by weekly assessment panels and to date the fund has committed to supporting 363 applications to a total value of £331,685.50. The number of applicants has increased month on month as sports return to activity.

Sport Resilience Fund (SRF):

In addition to the Be Active Wales Fund, Sport Wales also launched a £4.5m application-based fund covering National Governing Bodies of Sport, Leisure Trusts and other national organisations contributing to sport in Wales. The total requested by applicants for this fund is £4,168,559. Thus far the fund has committed £1,357,813 of funding across 21 applications.

The SRF and BAWF continue to operate and have weekly panel decisions to allocate funding. This will continue for the foreseeable future, although consideration will also be given in time to how there could be a further extension to the funds which would look at more developmental activities beyond prepare and protect. This will be determined by both the nature of the sporting activities and the guidance issued by Welsh Government in relation to sport and Covid-19.

Future Impact:

In relation to the impact these funds will have on Sport Wales' activities over the coming years it is currently too early to predict. It is the case that repurposing in year funding to deliver emergency contingencies has resulted in planned initiatives being postponed, or in some cases, stopped entirely. The long-term nature of the impact of Covid-19 on sport in Wales is still relatively uncertain. Sport Wales has undertaken significant research looking at how the pandemic has impacted on participation rates, public confidence and the sport economy. This will inform our approach, as will the continued work of sports and the Welsh Government to examine the return to sport road map. Any potential spikes in Covid-19 cases will also change the nature of projected activities. It is certainly the case that pressure on Sport Wales, and the broader sport sector budgets in 2020 as a result of Covid-19, will have a lasting legacy on physical activity unless additional resource is found or utilised in a different way. More reflective detail on this will undoubtedly be evident over coming months and reported through our annual report and future business plan and investment projections.

In addition to the current pressures, there are significant longer-term challenges facing the sport and leisure sector. Due to the nature of the sector and its provision, the impact on revenue income for sports clubs, gym owners and facility operators in the short and longer term will be significant. Under the current restrictions, reopening of the Sport and Leisure sector has been gradual, at low capacities and subject to physical distancing requirements and we recognise that consumer confidence is likely to be low for an extended period. These challenges will impact the viability of the sector in the medium and long-term.

Existing funding initiatives, such as the UK Government's Job Retention Scheme (JRS) and Self-Employed Income Support Scheme (SEISS), the Welsh Government's business support schemes and Sport Wales' Emergency and Sport Resilience Funds (ERF / SRF), have provided a lifeline to some, but not all parts of the sector. These initiatives alone though will not be enough to protect jobs and ensure the sector can thrive once again, especially with both the JRS and SEISS ending in October.

We are holding positive conversations with the Welsh Government regarding the financial need to protect the sector in short term and have gratefully, been able to draw on evidence and recommendations made by the Committee as part of our case to them.

Agenda Item 5

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

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

DRAFT WELSH STATUTORY
INSTRUMENTS

20[xx] No. (W.)

WELSH LANGUAGE

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DRAFT WELSH STATUTORY
INSTRUMENTS

20[xx] No. (W.)

WELSH LANGUAGE

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

Made

Coming into force

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

Title, commencement, application and interpretation

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

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

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

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

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

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

(1) 2011 nawm 1.

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

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

(5) In these Regulations—

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

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

Standards specified

2.—(1) In Schedule 1—

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

(2) In Schedule 2—

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

(3) In Schedule 3—

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

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

Standards that are specifically applicable

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

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

Name

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

Date

SCHEDULE 1 Regulation 2(1)
Service delivery Standards

PART 1
THE STANDARDS

1 Standards relating to correspondence sent by a body

(1) When a body replies to correspondence

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

(2) When a body initiates correspondence with several individuals

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

(3) General standards relating to correspondence

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

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

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

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

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

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

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

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

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

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

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

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

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

persons)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Standard relating to a body's publicity and advertising

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

7 Standards relating to a body displaying material in public

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

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

8 Standards relating to a body producing and publishing

documents and forms

Standard 18: If you produce a form that is to be completed by an individual, you must produce it in Welsh.

Standard 19: If you produce an application form that you make available for a registrant to be included on the register maintained by you, you must produce it in Welsh.

Standard 20: If you produce a document (but not a form) which is available to one or more individuals, you must produce it in Welsh—

- (a) if the subject matter of the document suggests that it should be produced in Welsh, or
- (b) if the anticipated audience in Wales, and their expectations, suggests that the document should be produced in Welsh.

Standard 21: If you produce a document or a form in Welsh and in English you must—

- (a) not treat any Welsh language version less favourably than you treat the English language version (whether separate versions or not);
- (b) not differentiate between the Welsh and English version in relation to any requirements that are relevant to the document or form (for example in relation to any deadline for submitting the form, or in relation to the time allowed to respond to the content of the document or form); and
- (c) ensure that the English language version clearly states that the document or form is also available in Welsh.

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

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

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

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

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

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

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

documents you produce in English.

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

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

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

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

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

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

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

12 Standards relating to official

notices made by a body

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

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

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

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

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

14 Standard relating to a body's corporate identity

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

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

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

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

TABLE 1

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

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

PART 3

INTERPRETING THE STANDARDS

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

specifically stated in the standard);

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

20

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

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

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

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

(4) In this paragraph—

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

(1) 1993 c. 38.

(2) 2006 c. 32.

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

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

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

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

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

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

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

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

26

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

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

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

27

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

(2) The forms are—

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

28

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

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

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

(1) 2000 c. 36.

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

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

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

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

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

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

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

SCHEDULE 2 Regulation 2(2)

Policy making Standards

PART 1

THE STANDARDS

- 1** **Standards relating to considering the effects of a body's policy decisions on the Welsh language**
- Standard 34:** When you formulate a new policy, or review or revise an existing policy, you must consider what effects, if any (whether positive or adverse), the policy decision would have on—
- (a) opportunities for persons to use the Welsh language, and
 - (b) treating the Welsh language no less favourably than the English language.
- Standard 35:** When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would have positive effects, or increased positive effects, on—
- (a) opportunities for persons to use the Welsh language, and
 - (b) treating the Welsh language no less favourably than the English language.
- Standard 36:** When you formulate a new policy, or review or revise an existing policy, you must consider how the policy could be formulated (or how an existing policy could be changed) so that the policy decision would not have adverse effects, or so that it would have decreased adverse effects, on—
- (a) opportunities for persons to use the Welsh language, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART 2

INTERPRETING THE STANDARDS

2

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

as appropriate to the body),
decisions about—

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

3

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

SCHEDULE 3 Regulation 2(3)

Operational standards

PART 1

THE STANDARDS

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

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

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

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

2 **Standards relating to a body recruiting and appointing**

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

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

(ch) Welsh language skills are not necessary.

Standard 45A:

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

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

PART 2

STANDARDS THAT ARE RELIANT ON OTHER STANDARDS – SPECIAL CONDITIONS

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

TABLE 1

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

PART 3

INTERPRETING THE STANDARDS

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

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

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

SCHEDULE 4 Regulation 2(4)
Record Keeping Standards

PART 1
THE STANDARDS

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

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

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

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

PART 2
INTERPRETING THE STANDARDS

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

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

SCHEDULE 5 Regulation 2(5)

Standards which deal with
Supplementary Matters

PART 1

THE STANDARDS

1 A body publicising standards

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

2 A body publishing a complaints procedure

Standard 49: You must—

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

3 A body producing an annual report regarding standards

Standard 50:

- (1) You must produce a report (an “annual report”), in Welsh, in relation to each financial year, which deals with the way in which you have complied with the standards with which you were under a duty to comply during that year.
- (2) The annual report must include the following information (where relevant, to the extent you are under a duty to comply with the standards referred to)—
 - (a) the number of complaints that you received during the

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

(b) the number (on the basis of the records you kept in accordance with standard 47) of new and vacant posts that you advertised during the year which were categorised as posts where—

- (i) Welsh language skills were essential;
- (ii) Welsh language skills needed to be learnt when appointed to the post;
- (iii) Welsh language skills were desirable; or
- (iv) Welsh language skills were not necessary.

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

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

4 A body providing information to the Welsh Language Commissioner

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

PART 2

INTERPRETING THE STANDARDS

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

SCHEDULE 6 Regulation 3

General Chiropractic Council

General Dental Council

General Medical Council

General Optical Council

General Osteopathic Council

General Pharmaceutical Council

Health and Care Professions Council

Nursing and Midwifery Council

Professional Standards Authority for Health and Social
Care