

# **LAW COMMISSION OF ENGLAND AND WALES WELSH LANGUAGE POLICY**

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# LAW COMMISSION OF ENGLAND AND WALES WELSH LANGUAGE POLICY

## INTRODUCTION

### About the Law Commission

- 1.1 The Law Commission (the “Commission”) is an independent statutory body created to keep the law of England and Wales under review and to recommend reform where it is needed.<sup>1</sup> Following a process of research and consultation, the Commission makes recommendations for reform of the law to Government. It aims:
  - (1) to ensure that the law is as fair, modern, simple and as cost-effective as possible
  - (2) to conduct research and consultations in order to make systematic recommendations for consideration by Parliament, and
  - (3) to codify the law, eliminate anomalies, repeal obsolete and unnecessary enactments and reduce the number of separate statutes.
- 1.2 The Commission’s offices are located in central London. The Commission is made up of a Chair, four Law Commissioners, a Chief Executive and a number of permanent staff.
- 1.3 The Commission undertakes the majority of its reform projects as part of its cycle of law reform programmes, each lasting for three years. Projects referred to the Commission by other means may also be undertaken. The Commission's projects are conducted by four legal teams, each of which reviews specific areas of law, and the Statute Law Repeals team.
- 1.4 Different Commission projects may have different jurisdictional scope. Projects therefore may have a potential impact for the law applicable to either:
  - (1) England and Wales;
  - (2) England or Wales only;
  - (3) England, Wales and Scotland (when working in partnership with the Scottish Law Commission);
  - (4) England, Wales and Northern Ireland (when working in partnership with the Northern Ireland Law Commission); and/or
  - (5) The UK (when working in partnership with the Scottish Law Commission and the Northern Ireland Law Commission).

<sup>1</sup> The Law Commissions Act 1965.

- 1.5 The Commission's publications are predominantly consultation papers, reports and corporate documents (annual reports and programmes of law reform). Summaries of consultation papers and reports are also prepared.
- 1.6 Because of the specialist, and often technical, nature of many of the full documents their target audience is usually comprised of individuals representing specific fields. Members of either specific sectors of the public or the public in general meanwhile are urged to read summaries to maximise the potential for engagement.
- 1.7 The Commission organises both closed and public events, in both England and Wales, as part of its work.
- 1.8 The Commission is committed to treating with parity all those Welsh-commissioned projects and those projects which are likely to have significant public interest in Wales.

#### **About this policy**

- 1.9 The Commission is subject to the Welsh Language Scheme produced by the Ministry of Justice as it is a body sponsored by that Ministry. The Commission became a signatory to this scheme prior to its approval by the Welsh Language Board on 24 March 2010.<sup>2</sup>
- 1.10 In accordance with section 7 of the Welsh Language Act 1993, the Commission has therefore adopted the principle that in the conduct of public business in Wales it will treat the English and Welsh languages on a basis of equality.
- 1.11 The public business conducted by the Commission differs in some respects to that conducted by the Ministry of Justice. Consequently, although the Ministry of Justice scheme applies in general to all aspects of the Commission's work, the Commission has taken the view that it may not in every respect be specific enough to the Commission's work to ensure that the principle of equality is met through the Commission's delivery of services to the public in Wales.<sup>3</sup>
- 1.12 The Commission will remain subject to the Ministry of Justice's Welsh Language Scheme for the purposes of monitoring, reporting and compliance for as long as it is a signatory to that scheme.
- 1.13 This policy now sets out how the principle of equality will be given effect, specifically in relation to the Commission's delivery of services to the public in Wales, and within the overarching Ministry of Justice Welsh Language Scheme.<sup>4</sup>
- 1.14 The Commission's name in Welsh is *Comisiwn y Gyfraith*.

<sup>2</sup> See the Ministry of Justice Welsh Language Scheme 24 March 2010 Annex A.

<sup>3</sup> For the purposes of section 5 and 21 of the Act 'the public' means those persons with whom an organisation has dealings with in the course of discharging its functions. It does not include dealings with persons who are acting in a capacity which is representative of the Crown, Government or the State.

<sup>4</sup> This policy is the result of a comprehensive review of the Commission's provision of such services and their impact on the public in Wales, conducted in April/May 2015.

- 1.15 This policy has been prepared with consideration given to the statutory guidelines and advice issued under sections 3 and 9 of the Welsh Language Act 1993.<sup>5</sup>

### **SERVICE PLANNING AND DELIVERY**

- 1.16 The Commission is fully committed to the principle that the English and Welsh languages should be treated on a basis of equality in line with the requirements of the Welsh Language Act 1993. This commitment will be included in the publication of the Commission's corporate and business plans and its annual reports.
- 1.17 The Commission recognises that members of the public can express their views and needs better in their preferred language, that enabling them to use their preferred language is good practice and that denial of that right could place members of the public at a disadvantage.
- 1.18 Where the Commission provides services in Welsh, it will deliver the same quality of service as when that service is provided in English.

### **Corporate identity and presence**

- 1.19 The Commission will present a fully bilingual corporate identity on all correspondence, documents, presentations, signage and publications (including any newsletters or circulars) designed to be used in Wales. This will include the Welsh form of the title for the Commission.
- 1.20 All of the public notices and publicity material the Commission uses specifically in Wales, in order to communicate with the general public, will be produced fully bilingually. The order of the languages published on material specifically used in Wales will be: Welsh followed by English.
- 1.21 The Commission's website will have a section designed to benefit Welsh language users (with text entirely in Welsh) containing core details of its work and details of all of its projects that potentially impact on the law applicable to Wales. It will also contain links to online versions of our Welsh language publications. The page will be accessible from the home screen.
- 1.22 When designing new websites, or redeveloping existing websites, the Commission will take into account the Welsh Language Commissioner's *Bilingual Software Guidelines and Standards* and any other guidance issued by the Welsh Language Commissioner with regard to developing websites.
- 1.23 When the Commission issues a press release to be circulated in both England and Wales via the national press and broadcasting media it will consider whether its duty to act in accordance with section 7 of the Welsh Language Act 1993 requires the release to be issued in both English and Welsh. Press releases made to the Welsh language press and broadcasting media in Wales will be issued in Welsh and English.

<sup>5</sup> Welsh Language Board, *Welsh Language Schemes: Their preparation and approval in accordance with the Welsh Language Act 1993*, 1996. The Welsh Language Board was abolished on 1 April 2012. The Board's duties have been reallocated to the Welsh Language Commissioner and Welsh Government.

- 1.24 The Commission will aim to further develop its bilingual corporate identity and presence over time. This will include consideration of producing bilingual name badges and business cards for use at events in Wales and the provision of Welsh on social media where the Commission uses it to promote and report on events in Wales.

### **Policy development**

- 1.25 The Commission will ensure that staff involved in policy formulation, and the preparation of instructions for new legislation, take into account this policy and the responsibilities under the Welsh Language Act 1993. The Commission will:
- (1) assess the linguistic consequences of policies affecting services provided to the people in Wales;
  - (2) ensure that new and existing policies do not hinder the promotion and facilitation of the use of Welsh;
  - (3) implement the principle of equality at every opportunity in accordance with section 7 of the Welsh Language Act 1993.
- 1.26 A framework has been developed for assessing Welsh language implications during policy formulation and the drafting of instructions for new legislation, found at Appendix E.

### **Correspondence and telephone contact**

- 1.27 The Commission will offer members of the public the right to choose which language (English or Welsh) they use in corresponding with it. The Commission will record the preferred language choice of its contacts and act accordingly.
- 1.28 Any correspondence addressed to a member of the public in Wales will be on bilingual headed paper, regardless of whether the letter is written in Welsh or not.
- 1.29 The email signatures used by Commission staff when sending any email correspondence addressed to a member of the public in Wales will be bilingual.
- 1.30 Where written correspondence is received in Welsh then the Commission will reply in Welsh. The reply will be sent in the same timescale as for any other correspondence.
- 1.31 The Commission is located in central London and has limited direct telephone contact with the general public.
- 1.32 The Commission does however recruit its staff in a manner that encourages applications by Welsh language speakers. The Commission currently has only one Welsh speaking member of staff. Nevertheless the Commission will seek to provide the member of public with an answer to their inquiry in Welsh, within a reasonable time frame, in the same way.
- 1.33 The Commission will offer those who call it and who wish to speak in Welsh the option of writing to the Commission in Welsh or continuing the conversation in English.

- 1.34 The Commission uses the centralised Ministry of Justice telephone service and is therefore limited in its ability to provide personalised bilingual telephone greetings or recorded messages, but the ability to provide such services will be reviewed if and when any new telephony services are introduced.

### **Events**

- 1.35 Where the Commission organises either closed or public events in Wales their publicity will be in both Welsh and English, as above, and contributions will be welcomed in both languages.
- 1.36 In order to assist with planning events, all notices and invitations for such should make it clear that contributions are welcomed in either Welsh or English and should invite those proposing to attend to let the Law Commission know what language they intend to contribute in, at least 14 days prior to the event date.
- 1.37 Where notice is provided of an intention to contribute in Welsh then the Commission will provide both:
- (1) translation services at the event; and
  - (2) translation of materials prepared by the Commission for the use of attendees at the event.
- 1.38 The method and form of the translations services to be provided should be decided by staff after consideration of the guidance found at Appendix A. The decision whether or not to provide translation services and/or of materials, should be kept as part of the corporate record for the project.
- 1.39 Where no notice is received of an intention to contribute in Welsh then the Commission will require its staff to consider the guidance found at Appendix A to determine whether it is nonetheless appropriate and reasonably practicable to offer translation services and/or translation of materials in the circumstances.
- 1.40 Where the Commission organises public events in England (and are specifically publicising them in Wales) where no equivalent event is to be held in Wales, so that members of the public in Wales would be obliged to leave Wales to obtain that service, then their publicity in Wales will be bilingual and make it clear that contributions are welcomed in either Welsh or English in the same way.
- 1.41 If the Commission receives an indication that a person wishes to contribute to an event as described in 1.40 in Welsh then Commission staff will then be required to consider the guidance found at Appendix A to determine whether it is appropriate and reasonably practicable in the circumstances to provide both or either:
- (1) translation services at the event; and
  - (2) translation of materials prepared by the Commission for the use of attendees at the event.

### **Publications**

- 1.42 To decide whether any Law Commission publications should be translated into Welsh, and the format the translated publication should take, a categorisation system will be used. That system is set out in Appendix B. The category assigned, decision whether or not to translate and the decision whether to produce separate Welsh and English versions or a bilingual version for each document, should be kept as part of the corporate record for the project.
- 1.43 The Welsh or bilingual version of the final publication should be available in the same time frame as the English version would be.

### **Recruitment and training**

- 1.44 Since the Commission is located in London, it recruits nationally from both Welsh and non-Welsh speakers. The Commission uses the centralised civil service recruitment platform and is therefore limited in its ability to place bilingual recruitment adverts, but the ability to provide such services will be reviewed if and when any new or updated recruitment platforms are introduced.
- 1.45 Even so, when advertising for new Commissioners and staff members the Commission will publish additional bilingual promotional materials where we have identified that the role being recruited for is likely to require direct involvement with Welsh specific projects.
- 1.46 The Commission will also publish bilingual promotional materials annually as part of its regular recruitment campaign for research assistants.
- 1.47 The Commission will identify any positions, including those in respect of external communications, that may arise where the ability to speak Welsh is essential or desirable, and identify the level of proficiency required. This will be reflected in job descriptions accordingly.
- 1.48 The application and interview process for positions at the Commission is determined by the Ministry of Justice application process and the Ministry of Justice Welsh Language Scheme applies to the same.
- 1.49 The Commission will encourage any member of staff who wishes to learn Welsh, and make it more reasonably practicable for the Commission to interact with Welsh speaking members of the public, to do so in the context of their developmental objectives and those of the Commission.

### **Third Parties**

- 1.50 The Commission will ensure that all arrangements and contracts with third parties that relate to the provision of services to the public in Wales are consistent with the terms of this policy and are implemented accordingly.

### **Administrative arrangements**

- 1.51 The Commission benefits from both the use of the Ministry of Justice's Welsh Language Unit and its contracts for translation services with appropriate providers. Both these services are subject to quality and performance standards set and monitored by the Ministry of Justice.

- 1.52 Upon approval of this policy a press release will be issued and the Commission's primary stakeholders in Wales will be directly informed. The Commission will provide copies of this Welsh language policy to all Commissioners and members of staff. It will also be available on the Commission's intranet site and webpage.

### **Monitoring**

- 1.53 An action plan for implementation of the policy, including a timetable of implementation measures, has been developed and is found at Appendix C.
- 1.54 The Chief Executive Officer will oversee the implementation and monitoring of this policy. The Chief Executive Officer will:
- (1) Review implementation of the policy in line with the action plan at and report to Commissioners annually on progress;
  - (2) Review compliance with the policy annually and report to Commissioners annually on compliance; and
  - (3) Consider any complaints received regarding non-compliance with the policy and take appropriate action where necessary to ensure compliance is achieved;
- 1.55 A record will be kept of all complaints received regarding non-compliance with the policy together with a record of the decision and any action taken following consideration of the complaint by the Chief Executive Officer.
- 1.56 All managers will have a responsibility to implement and monitor the policy in relation to the work of their team.
- 1.57 All staff members will have a responsibility for carrying out their functions in accordance with this policy.
- 1.58 All existing staff will receive guidance on how to comply with the policy and hereafter all new members of staff will receive the same guidance as part of their induction to the Commission. A record will be kept of all staff training conducted.
- 1.59 The Commission will, in the third year of the policy's implementation, prepare an evaluation report, evaluating and assessing the progress of implementation and compliance with the policy. Following this report, the Commission will review and revise the policy as appropriate.
- 1.60 The Ministry of Justice provides an Annual Monitoring Report to the Welsh Language Commissioner. The Commission will contribute to and provide information to that report as and when required.
- 1.61 The point of contact for discussion of the implementation of this policy, the provision of any complaints regarding non-compliance with the policy and suggestions regarding its further development is the Head of the Corporate Services Team.



## **APPENDIX A**

### **GUIDANCE ON THE OBTAINING OF TRANSLATION SERVICES**

- A.1 The decision whether to provide translation services, or as to what method should be used and what form these should take, should be made after consultation with the attendees of the relevant event.
- A.2 An assessment should be made as to whether there are special considerations that require the provision of translation facilities even where there are no contributors to an event who wish to contribute in Welsh or where an event is not held in Wales but no equivalent event is to be held in Wales. The reasons for this are that such events may nevertheless be attended by members of the public in or from Wales and the Commission recognises that members of the public can express their views and needs better in their preferred language, that enabling them to use their preferred language is good practice and that denial of that right could place members of the public at a disadvantage.
- A.3 Special considerations include, but are not limited to:
- (1) the event being aimed at the general public in a locality that has a high proportion of Welsh speakers;
  - (2) the event being concerned with an area of law reform that is of particular interest to Welsh language speakers or members of the public in Wales.

## APPENDIX B

### WELSH TRANSLATION PROCESS (PUBLICATIONS)

CONSIDER WHETHER THE DOCUMENT (OR ITS SUMMARY) NEEDS TO BE TRANSLATED INTO WELSH USING THE CATEGORISATION SYSTEM PROVIDED (A record must be kept of this decision)

FINAL VERSION OF THE DOCUMENT TO BE TRANSLATED AGREED INTERNALLY.

TEAM MANAGER/PROJECT LAWYER/RA TO SUBMIT A REQUEST FOR A QUOTE VIA BIGWORD SPECIFYING THE TIME FRAME FOR TRANSLATION, INCLUDING ALL RELEVANT INFO AND SPECIFYING ALL SERVICES REQUIRED E.G. PROOF READING/CHECKING. SEE THE LAW COMMISSION PUBLICATIONS GUIDE AND THE BIGWORS USER GUIDE FOR MORE DETAIL. (15 days before publication)

PROVIDER RESPONSE TO BE APPROVED BY CST AND TRANSLATION TO BE REQUESTED.

## APPENDIX C

### CATEGORISATION SYSTEM FOR THE PUBLICATION OF DOCUMENTS

C.1 The use of this categorisation system is mandatory for official Law Commission publications, which include: scoping papers, issues papers, consultation papers, report, impact assessments for those reports and all corporate publications. It is discretionary for documents primarily created for internal purposes, including: analyses of consultation responses and impact assessments for scoping papers, issues papers and consultation papers.

C.2 In determining whether a any Law Commission publication requires translation, staff are required to answer the following primary consideration questions.

Primary Considerations	Column A	Column B	Column C
What is the application of the document?	To the law of Wales only	To the law of both England and Wales	To the law of England only
Who is the target audience?	Specifically Welsh language speakers or members of the public in Wales	Members of the public, or sectors of the public in both England and Wales (whether the project is UK wide or restricted to England, Wales and Scotland, England, Wales and Northern Ireland or England and Wales)	Members of the public in England and/or Scotland and/or Northern Ireland only, or particular individuals representing specific fields only

C.3 If the answer to either of the primary consideration questions is contained in column A then the document must be translated.

C.4 If the answer to either primary consideration question is otherwise contained in column B then whether the document is required to be translated will depend on the answers to the secondary consideration questions.

C.5 If the answer to both primary consideration questions is contained in column C then the document does not require translation.

Secondary considerations	Column A	Column B	Column C
Subject matter	A easy to understand area of law of general	A complex area of law of general	A specialist or technical area of

	interest	interest	law
Length of Document	Under 2,000 words	2,000-6,000 words	Over 6,000 words

- C.6 If the answer to both of the secondary consideration questions is contained in column A then the document must be translated.
- C.7 If the answers to either secondary consideration question is contained in column B then the executive summary of that document must be translated.
- C.8 If the answer to both of the secondary consideration questions is contained in column C then the document is not required to be translated.
- C.9 Where an executive summary of a document has been translated under this system, the full document will be considered for translation following a request to that effect.
- C.10 Where a neither a document nor its executive summary has been translated under this policy, the executive summary will be considered for translation following a request to that effect.
- C.11 The question of whether a document should be produced separately in both English and Welsh or as a bilingual document will be determined primarily by the length of that document and whether the production of a bilingual publication would made it unduly long and therefore less accessible.
- C.12 All documents translated into Welsh under this scoring system will be made available in electronic form.

## APPENDIX D ACTION PLAN

Action	Method of Action	Date to be actioned by/owner
The Commission is to make a corporate statement of the Law Commission's commitment to the principle that English and Welsh are treated on an equal basis when conducting public business in Wales.	Publication of this Welsh Language Policy, provision of a press release once the policy is approved and the direct stakeholders in Wales must be informed.	04 Sept 2017
	Reference to be made to this Welsh Language Policy in the next Law Commission business plan	20 July 2017 (complete)
	Reference to be made to this Welsh Language Policy in Law Commission Annual Report	September/October 2017
	Provide copies of this policy to all Commissioners and members of staff, as well as making it available on the Commission's intranet site and webpage.	01 Sept 2017
	A staff training programme will be developed so that all existing staff will receive training on how to comply with this policy and all new members will receive the same training	01 Sept 2017

	as part of their induction to the Commission.	
	Existing staff will receive training on how to comply with this policy and all new members will receive the same training as part of their induction to the Commission. A record will be kept of all staff training conducted.	From 04 Sept 2017 and as and when required
The Commission is to present a fully bilingual corporate identity when that identity is used in Wales.	Provide bilingual business cards to be used by Commissioners and staff who are likely to use these in Wales.	01 Sept 2017 and as and when required
	Produce bilingual name badges to be used by Commissioners and staff who are likely to use these in Wales.	From 04 Sept 2017 and as and when required
All public notices and publicity the Commission uses in Wales to be produced fully bilingually. When produced bilingually, the following order shall be used: Welsh, followed by English.	When producing posters or flyers publicising an event in Wales, these should be presented bilingually in the way described.	From 04 Sept 2017 and as and when required
When designing new websites, or redeveloping existing websites, the Commission will take into account the Welsh Language Commissioner's Bilingual Software Guidelines and Standards and any other guidance issued by the Welsh Language Commissioner.	All staff should consult the guidelines and other guidance when changes are made to the Welsh language sections of current the website.	From 04 Sept 2017 and as and when required
When the Commission issues a press release in both England and Wales	The communications manager should issues press releases made to the Welsh language press and broadcasting media	From 04 Sept 2017 and as and when required

<p>via the national press and broadcasting media it will consider whether its duty to act in accordance with section 7 of the Welsh Language Act 1993 requires the release to be issued in both English and Welsh. Press releases made to the Welsh language press and broadcasting media in Wales will be issued in Welsh and English.</p>	<p>in both languages, using the relevant translation services.</p>	
	<p>The communications manager should record each decision made as to whether or not a release is translated into Welsh, in order to ensure that the Commission complies with its duty to act in accordance with s 7.</p>	<p>From 04 Sept 2017 and as and when required</p>
<p>The Commission is to ensure that staff involved in policy formulation, and the preparation of instructions for new legislation, take into account this policy and the responsibilities under the Welsh Language Act 1993.</p>	<p>As part of the staff training programme to be developed, on the application and use of this Welsh Language Policy, staff should be informed of the need to use the Welsh Language Impact Assessment Framework, found at Appendix E, and trained how to use this.</p>	<p>From 04 Sept 2017 and as and when required</p>
<p>The Commission is to offer members of the public the right to choose between English or Welsh when corresponding with the Commission and record the preferred language choice of Commission contacts and act accordingly.</p>	<p>The Commission should create a process for recording the preferred language choice of its contacts, record such choices where expressed and act upon those choices, making use of a proposed stakeholder database.</p>	<p>31 December 2017</p>
<p>The Commission is to ensure that any correspondence addressed to a member of the public in Wales will be on bilingual headed paper, regardless of whether the letter is written in Welsh or not.</p>	<p>All staff to use the bilingual headed paper already available.</p>	<p>Already in process, as and when required</p>
	<p>Where written correspondence is received in Welsh then all staff will reply in Welsh in the same timescale as for any other correspondence.</p>	<p>From 04 Sept and when required</p>
<p>The Commission is to</p>	<p>Translation of a template</p>	<p>01 Sept 2017 and as and</p>

use bilingual email signatures when emailing someone in Wales.	email signature to be obtained, which can be used by all staff (subject to a change of name, telephone number and email address) when emailing someone in Wales.	when required
Where the Commission organises closed or public events in Wales, publicity will be in Welsh and English and contributions will be welcomed in both languages.	Notices of and invitations to planned events in Wales should be publicised in Welsh, as well as English and make it clear that contributions are welcomed in Welsh or English. They should invite attendees to let the Commission know what language they intend to contribute in, at least 14 days prior to the event date.	From 04 Sept and when required
Where notice is provided of an intention to contribute in Welsh to an event, the Commission will provide translation services at the event and translation of materials prepared by the Commission for the use of attendees at the event.	Where contributions in Welsh are to be made translation services and materials are to be made available. The method and form of the translations services to be provided at events should be decided by staff after consideration of the guidance at Appendix A.	From 04 Sept and when required
	Even where no notice is received of an intention to contribute in Welsh at an event, staff still need to consider guidance at Appendix A of the WLP to determine whether it is nonetheless appropriate and reasonably practicable to offer translation services and/or translation of materials.	From 04 Sept and when required
	Where the guidance in	From 04 Sept and when



	Appendix A suggests that translation is required in a particular method/form, those services are to be provided and a corporate record kept of that decision.	required
	As part of the staff training programme to be developed, on the application and use of this Welsh Language Policy, staff should be informed of the need to use the translation services guidance found at Appendix A.	From 04 Sept and when required
Where the Commission organises public events in England (and are specifically publicising them in Wales), where no equivalent event is to be held in Wales, so that members of the public in Wales would be obliged to leave Wales to obtain that service, then their publicity will be bilingual and make it clear that contributions are welcomed in either Welsh or English.	Notices of and invitations to planned events in Wales should be publicised in Welsh, as well as English and make it clear that contributions are welcomed in Welsh or English. They should invite attendees to let the Commission know what language they intend to contribute in, at least 14 days prior to the event date.	From 04 Sept and when required
Where notice is provided of an intention to contribute in Welsh to an event in England, the Commission will consider the guidance found at Appendix A to determine whether it is appropriate and reasonably practicable to provide both or either translation services at the event and translation of materials prepared by the Commission for the use	Where a notification of an intention to contribute in Welsh is received the guidance in Appendix A should be considered to determine whether it is nonetheless appropriate and reasonably practicable to offer translation services and/or translation of materials.	From 04 Sept and when required
	Where the guidance in Appendix A suggests that translation is required in	From 04 Sept and when required

of attendees at the event.	a particular method/form, those services are to be provided and a corporate record kept of that decision.	
	As part of the staff training programme to be developed, on the application and use of this Welsh Language Policy, staff should be informed of the need to use the translation services guidance found at Appendix A.	From 04 Sept and when required
The Commission is to use the categorisation system at Appendix B to determine whether publications should be translated into Welsh, and the format the translated publication should take.	All staff must use the categorisation system at Appendix B to determine whether publications should be translated into Welsh, and the format the translated publication should take.	From 04 Sept and when required
	Where the guidance in Appendix A suggests that translation is required, translation in the appropriate form should be undertaken and a corporate record kept of that decision.	From 04 Sept and when required
	As part of the staff training programme to be developed, on the application and use of this Welsh Language Policy, staff should be informed of the need to use categorisation system at Appendix B.	From 04 Sept and when required
	The Welsh or bilingual version of the final publication shall be available in the same time frame as the English version would be.	From 04 Sept and when required

When advertising for new Commissioners and staff members, the Commission will use additional promotional materials in bilingual format where that role will require involvement in a Welsh specific project.	When advertising for new Commissioners and staff members in these circumstances, additional promotional materials will be published bilingual format.	From 04 Sept and when required
The Commission is to use additional promotional materials in bilingual format in its annual recruitment of RAs	When advertising for new RAs, additional promotional materials will be published bilingual format.	From 04 Sept, annually, on a date to be determined
The Commission is to identify any positions that may arise where the ability to speak Welsh is essential or desirable, and identify the level of proficiency required.	All staff should keep under review the need to recruit Welsh speaking staff members to specific positions.	From 04 Sept and when required
The Commission is to encourage any member of staff who wishes to learn Welsh.	The corporate services team should publicise opportunities for staff to learn Welsh as and when they become aware of them.	From 04 Sept and when required
	All team managers should encourage staff who wish to learn Welsh to do so as part of their personal development plan.	From 04 Sept and when required
The Commission is to ensure that all arrangements and contracts with third parties that relate to the provision of services to the public in Wales are consistent with the terms of this policy and are implemented accordingly.	The corporate services team should, when entering into contractual arrangements with third parties that relate to the provision of services to the public in Wales, ensure that the third party in question is familiar with the terms of this policy and its obligation to provide such services in a manner that	From 04 Sept and when required

	is consistent with those terms.	
	The Law Commission's Wales group should monitor the compliance of third parties with this policy.	From 04 Sept and when required
The CEO of the Commission is to oversee the implementation and monitoring of this policy.	The Commission's Wales Group should monitor compliance with the policy bi-annually and report to the CEO.	From 04 Sept, bi-annually
The CEO of the Commission is to consider any complaints received regarding non-compliance with the policy and take appropriate action where necessary to ensure compliance is achieved.	All complaints received should be directed in the first instance to the head of CST.	From 04 Sept and when required
	All such complaints should be drawn to the CEO's attention (within 5 working days) and addressed by the CEO (within 20 working days) and the CEO must keep a record of all complaints received regarding non-compliance with the WLP, together with a record of the decision and any action taken following consideration of the complaint by the CEO.	From 04 Sept and when required
The Commission is to ensure that all team managers take responsibility for implementing and monitor the policy in relation to the work of their team.	Team Managers should implement and monitor the operation of this policy within their teams.	From 04 Sept, ongoing
The Commission is to, in the third year of the policy's implementation, prepare an evaluation	In the third year of the policy's implementation, to prepare an evaluation report. This will need to be published in both English	September 2020

report, evaluating and assessing the progress of implementation and compliance with the policy.	and Welsh.	
	Following this report, review and revise the policy as appropriate.	September 2020
The Commission is to contribute to and provide information to the Ministry of Justice Annual Monitoring Report to the Welsh Language Commission as and when required.	Contribute to and provide information to the Ministry of Justice Annual Monitoring Report to the Welsh Language Commission as and when required	Already in process, annually

## APPENDIX E - WELSH LANGUAGE IMPACT ASSESSMENT (WLIA) FRAMEWORK

When formulating policy and/or preparing instructions for new legislation:

- (1) for each project Commission staff should consider whether it is necessary to carry out a WLIA. To assist in determining this regard should be had to the following considerations:

Primary Considerations	Column A	Column B	Column C
What is the application of the document?	To the law of Wales only	To the law of both England and Wales	To the law of England only
Who is the target audience?	Specifically Welsh language speakers or members of the public in Wales	Members of the public, or sectors of the public in both England and Wales (whether the project is UK wide or restricted to England, Wales and Scotland, England, Wales and Northern Ireland or England and Wales)	Members of the public in England and/or Scotland and/or Northern Ireland only, or particular individuals representing specific fields only

- (2) If the answer to either of the above questions is contained in column A then a WLIA should be completed.
- (3) If the answer to either question is otherwise contained in column B then whether a WLIA should be completed will depend on whether the policy or legislative change being considered is likely to have:
  - (a) Either a disproportionate impact on members of the public in Wales; or
  - (b) Welsh speakers in general.
- (4) If the answer to both primary consideration questions is contained in column C then no WLIA needs to be completed.
- (5) Whether or not a WLIA is carried out should form part of the corporate record for the project. The questions to be considered when carrying out a WLIA are as follows:

- (a) What are the impacts/effects (both positive and/or adverse) on the Welsh language you have identified i.e. Welsh speakers, Welsh language communities, Welsh medium education, Welsh learners, services available in Welsh?
  - (b) Who are the stakeholders? Are the needs of Welsh speakers and learners addressed? If engaging or consulting, what are your plans? What questions do you wish to ask stakeholders about Welsh language related issues? To what extent are Welsh language interest groups likely to respond positively to the proposals?
  - (c) What is the overall anticipated likely impact on the Welsh language if this policy is taken forward based on the impact assessment/ risk assessment. How can you improve the potential outcomes for the Welsh language?
- (6) At the conclusion of the WLIA a record must be kept of its results, as well as a record of what affect these have had on the policy development/legislative drafting being considered: no major change, the development/drafting has been changed to remove impacts, the development/drafting has been continued with mitigation measures, or the development/drafting has been stopped.

