



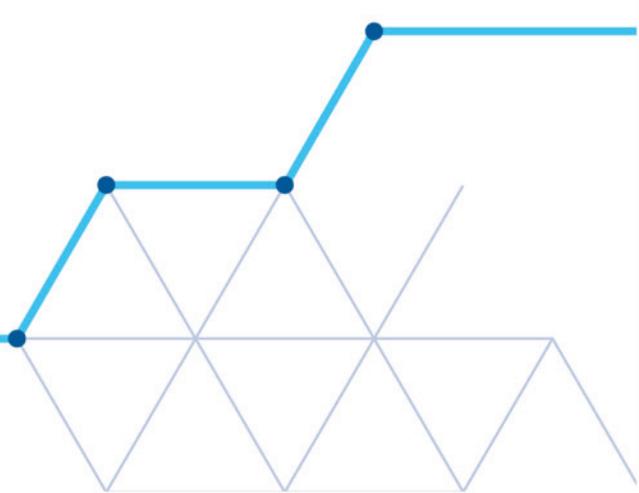
Gweinyddiaeth  
Cyfiawnder

Ministry  
of Justice

# Response to consultation on the Welsh Language Scheme

June 2018

Protecting and advancing the principles of justice







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of Justice

## **Response to consultation on the Welsh Language Scheme**

**Response to consultation carried out by the Ministry of Justice.**

**This information is also available at <https://consult.justice.gov.uk/>**



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## Introduction and contact details

This document is the response to the consultation on the Ministry of Justice's (MoJ) Welsh Language Scheme

It will cover:

- the background to the report
- a summary of the responses to the consultation
- a response to the issues raised
- the next steps following this consultation

Further copies of this report and the consultation paper can be obtained by contacting Dan Sweeney at the address below:

**Better Regulation, Equalities and Welsh Language Team**  
**Analytical Services**  
**Ministry of Justice**  
**3.52, 102 Petty France**  
**London SW1H 9AJ**

This report is also available at <https://consult.justice.gov.uk/>

Alternative format versions of this publication can be requested from the above address.

## Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Ministry of Justice at the above address.

## Background

1. The consultation paper “Welsh Language Scheme” was published on 8 October 2014. It invited comments on MoJ’s proposed revised Welsh Language Scheme (the “Scheme”). The Scheme is firmly based on the principle in Section 5 of the Welsh Language Act 1993 that, in the conduct of public business and the administration of Justice in Wales, MoJ will treat the English and Welsh languages on a basis of equality.
2. The consultation period closed in early 2015. Publication of a formal response to the consultation was delayed by the onset of the General Election and then by the changes to Government which followed. The response to the consultation was delayed further as the Government examined areas which could be improved within departmental Schemes being revised. MoJ additionally sought clarification on our legislative obligations originally set by the Welsh Language Act 1993 but affected by the Welsh Language Measure (Wales) 2011. Furthermore we also took the opportunity to hold further discussions with the Welsh Language Commissioner and other government departments (OGDs) to agree necessary improvements to our revised Scheme.
3. This consultation response summarises the responses received, our response to them, and how the consultation process has influenced the revised Scheme. The full list of respondents is given at Annex A.

## Summary of responses

4. A total of thirty four responses to the consultation paper were received and many addressed specific points. Of these, thirteen were from either members of the public or private businesses; twelve were from members of the judiciary including the magistracy; four came from Police and Crime Commissioners' Offices, the Magistrates Association and the Law Society for England and Wales; three from staff within MoJ; and one each from the Committee for Administrative Justice and Tribunals Wales, and the Lord Chancellor's Standing Committee on the Welsh Language.
5. Respondents were requested to comment on each section of the Scheme and responses were analysed to see whether respondents:
  - Agreed with the proposed commitments in the Scheme
  - Proposed improvements or new approaches to the Scheme
  - Supported the development of the Scheme
6. Overall the responses to the consultation were positive. The majority of respondents agreed with and were content with the proposed Welsh Language Scheme, including its commitments, and with the consultation process.
7. The main issues raised in comments were about:
  - How MoJ works coherently and consistently with its delivery bodies
  - The application of the proportionality test to service delivery considerations generally but in particular to IT and Web based applications
  - Recruitment processes, including assessing vacancies, bilingual notices for vacancies, the judiciary and capability for deploying Welsh speaking judges
  - How staff and those involved in policy formulation and the preparation of instructions take account of the Scheme and how the impact of policies on the Welsh language are assessed
  - The provision of transcripts in Welsh
8. The next section gives a more detailed summary of the issues raised by respondents to the consultation questions, together with MoJ's response following consideration of the issues. Our response includes where we have amended and improved our revised Scheme as a consequence of the consultation responses.

## Responses to specific questions

### Section 1: Introduction

**Question 1.1**  
**Do you agree that MoJ should have a Welsh Language Scheme?**

**Question 1.2**  
**Please make any comments on whether MoJ should have a Welsh Language Scheme.**

The majority of respondents agreed that MoJ should have a Welsh Language Scheme. Some of the respondents stated that it was appropriate to offer services using the Welsh language for those citizens and organisations that require it. A few respondents did not agree that the services should be subject to the proportionality test, however, particularly with regard to providing Welsh language translations of documents, notices and publications.

One respondent suggested that the clause “so far as is both appropriate in the circumstances and reasonably practicable” contradicts the principle of equality and thought it should be removed.

Some respondents questioned why Her Majesty’s Courts and Tribunals Service (HMCTS) together with the National Offender Management Service (NOMS), the Office of the Public Guardian (OPG) and the Legal Aid Agency (LAA) are not included under the MoJ’s Welsh Language Scheme.

Respondents also suggested that MoJ corporate headquarters should work closely with its delivery arms to ensure a consistent, cohesive approach is adopted. MoJ sponsored agencies and associated organisations should be urged to observe and comply with the Scheme both in principle and in practice, via their own policies. Insofar as other Welsh Language Schemes are developed, they should mirror the main MoJ Scheme.

One respondent suggested that the Welsh language was more relevant in North Wales and South West Wales than in South Wales.

### MoJ response

MoJ is fully committed to discharging its Welsh language responsibilities. We have clarified the introduction in our revised Scheme to show that we have statutory obligations under the Welsh Language Act 1993. Our Scheme sets out the actions we will take to ensure that we will treat the English and Welsh languages equally in the conduct of our business and the administration of justice in Wales. We recognise that a balance needs to be struck with reasonable practicability and proportionality when discharging these obligations.

MoJ has successfully operated its Scheme since 2010 by adopting the approach given in the guidelines concerning “appropriate and reasonably practical” issued by the Welsh

Language Board in 1996 for the preparation of Welsh language schemes. We will continue to apply an approach that gives consideration to reasonableness, proportionality and cost effectiveness in carrying out our responsibilities under this Scheme in accordance with the Welsh Language Act.

Most of MoJ's business and services in Wales are delivered through the department's main delivery bodies, including Her Majesty's Prison and Probation Service (HMPPS – formerly known as the National Offender Management Service – NOMS), Her Majesty's Courts and Tribunals Service (HMCTS), the Legal Aid Agency (LAA), the Office of the Public Guardian (OPG), and the Criminal Injuries Compensation Authority (CICA). Each of these delivery bodies has their own Welsh Language Scheme tailored to their specific areas of service delivery. Each of these Schemes is also aligned to the requirements of the MoJ corporate Scheme to ensure compliance in policy development through to operational delivery.

Since the consultation we have also engaged with MoJ's Partnership and Arms Length Bodies (ALBs) via a Welsh Language Scheme article in the ALB Bulletin to help them understand and comply with MoJ's Welsh Language governance arrangements more clearly.

## Section 2: Policy development and implementation

### **Question 2.1**

**Do you agree with the Policy Development and Implementation section of this Scheme?**

### **Question 2.2**

**Please make any comments on how the MoJ proposes to approach the assessment of the impact of policies on Welsh speakers in Wales.**

Overall, respondents were content with the Policy Development and Implementation section of the Scheme.

One respondent expressed concern about the lack of consideration of Welsh being a language of the British Isles and its availability to Welsh speakers in other parts of the UK.

Another respondent questioned how, for example, the Welsh language media might be able to gain information from the MoJ when it was required, particularly since MoJ corporate HQ does not provide direct delivery of services in Wales.

Other respondents suggested that there should be greater integration of the MoJ Scheme – and consideration of the Welsh language – by staff and advisors involved in policy formulation and preparation of instructions, as well as within our delivery arms.

### **MoJ response**

Although MoJ HQ does not deliver services directly in Wales, any Welsh language media enquires made to MoJ concerning matters overseen or performed by any of our business delivery arms are referred to the relevant business area to ensure the enquiry is answered appropriately.

MoJ continues to encourage consistency in the approach to the operation of Welsh Language Schemes by its delivery arms who have, or are developing, their own Schemes. The MoJ Welsh Language Scheme sets a minimum standard for our delivery bodies. To ensure consistency, we will provide guidance to our delivery arms in the application of Welsh language Schemes, where required.

The corporate MoJ Welsh Language Scheme already covers MoJ's policy functions and Section 2 of the revised Scheme states: "We will ensure that staff and advisers involved in policy formulation and the preparation of instructions for new primary and secondary legislation take into account this scheme and our obligations and responsibilities under the Welsh Language Act".

As a consequence of the consultation responses we have designed and implemented a Welsh Impact Test as part of the policy-making and reform process to further encourage MoJ policy makers to address Welsh language linguistic considerations. This will help policy teams make informed judgements about the relevance of the proposed policies and reforms being considered to the Welsh language and service provision to the people of Wales.

### Section 3: Recruitment

**Question 3.1 Do you agree with the Recruitment section of this Scheme?**

**Question 3.2 Please make any comments on how the MoJ proposes to ensure that our recruitment processes recognises and takes account of the use of the Welsh language.**

Whilst the majority of respondents were content with the Recruitment section of the Scheme, a number of comments and questions were received, some of which raised similar points but from differing perspectives.

Consultee responses are grouped below under themes of the recruitment process with the MoJ response following each section.

#### Staff Recruitment Processes

On staff recruitment via the Civil Service Recruitment online platform, one respondent considered it imperative that provision be made for applicants who wish to apply for a job within the Civil Service to be able to do so in Welsh, especially for roles where Welsh was identified as essential.

Some respondents suggested that bilingual job advertising (in Welsh and English) should be maintained if at all possible for posts in Wales with one respondent considering that advertisements in England for a job that had a Welsh-speaking requirement should also be bilingual.

### **MoJ response**

Since MoJ Corporate HQ is mainly located in London, we recruit nationally and advertise in the English language. When recruiting for vacancies in Wales, however, these posts will be advertised bilingually with notices in Welsh placed in Welsh language publications.

The World Careers Network (WCN) e-recruitment system has now been fully implemented for all Civil Service jobs across England and Wales. The WCN platform can host job descriptions in both English and Welsh for jobs that are based in Wales. Candidates will also have the option to interview in either language. For jobs not based in Wales, job descriptions will be in English by default however candidates are able to ask for the job description to be translated into Welsh.

### **Assessing vacancies**

One respondent differentiated between areas of Wales where the ability to speak Welsh is essential, and other areas where it is not considered essential. Having a strong Welsh identity was not considered to be reserved to those only able to speak Welsh, and any recruitment process needed to recognise this.

Another respondent questioned how, if MoJ were not specifying posts as Welsh essential, we could provide Welsh language services without bilingual speakers, suggesting that there would not be any additional cost in specifying that a percentage of posts are Welsh essential.

### **MoJ response**

During the recruiting process for staff in Wales, the recruiting manager considers if the post should carry a 'Welsh essential' or 'Welsh desirable' criteria, based on Welsh Language requirements.

When considering requirements for judicial recruitment, an assessment is made regarding Welsh language requirements and, more recently, further criteria regarding knowledge of matters in Wales.

The revised Scheme includes footnotes explaining that the persons or administrative bodies involved in any recruitment will be responsible for determining whether the ability to speak Welsh is a "desirable attribute"; and that such decisions will also be dependent on the particular vacancy and its requirements.

For example, a previous Deputy District Judge recruitment exercise was based on criteria that included candidates for posts in Wales needing to have 'an understanding, or the ability to acquire the understanding, of the administration of justice in Wales, including legislation applicable to Wales and Welsh devolution arrangements'.

In terms of the process, the Judicial Appointments Committee (JAC) determines the appropriate assessment method. For example, at interview, candidates for posts in Wales are asked questions to allow them to demonstrate their understanding of the administration of justice in Wales and may be asked to discuss certain relevant issues. When answering these questions at interview for posts in Wales, candidates are assessed on merit and need to achieve a satisfactory grade to be considered for recommendation.

The JAC has now developed its own Welsh Language Scheme which explains the JAC's application of Welsh language requirements in their selection processes. More information can be found at <https://jac.judiciary.gov.uk/news/jacs-welsh-language-scheme-published>

### **Deployment of Welsh speaking judges**

Respondents suggested that there were not enough Welsh speaking bilingual Judges or staff in Wales to provide a genuine language choice within the criminal justice sector for the public; and that translation facilities were a poor alternative.

Although the commitment shown in the Scheme of supporting the bilingual capability of judicial services was welcomed, it was pointed out that in one area of Wales three out of the four Welsh speaking magistrates would shortly be retiring. It was suggested that a lack of magistrates or clerks who are fluent in Welsh meant a reliance on court ushers being asked to translate court correspondence.

### **MoJ response**

There is currently no evidence regarding a lack of Welsh speaking judges in Wales. No complaints have been received, no court proceedings halted because of a lack of Welsh speaking judges and nothing has arisen which would indicate that there is inadequate cover of Welsh speaking judges. The response raising this issue, however, was passed to HMCTS for consideration. The HMCTS response is given below.

HMCTS operates an Interpreter contract with Capita but also has a different interpreter policy outside of that contract, which enables an improved local service. Even if a trial or hearing is conducted in Welsh, witnesses, jury members, etc. often require the facilities of an interpreter using Welsh language equipment. Regardless of the number of Welsh speaking judges, it would still not prevent the need to use Welsh interpreters in Crown Court trials, as there is currently no legislation that ensures the empanelling of a wholly bilingual jury on cases where Welsh evidence is given.

In terms of the magistracy, where Advisory Committees (ACs) in Wales have a clear need for more bilingual magistrates they may advertise vacancies as being "Welsh-language essential". ACs in Wales are currently undertaking a number of recruitment activities which include the recruitment of 10 new Welsh speaking magistrates. When a justice on the Bench does not speak Welsh, the usual practice is to use the Welsh Language Protocol (copies available from the HMCTS Welsh Language Unit) to enable the proceedings to continue uninterrupted. For trials, there is a sufficiency of justices on each Bench to hear trials through the medium of Welsh language, and justices have a national jurisdiction beyond their own local justice/bench area, so Welsh speaking justices may be called upon, if needed, to deal with any trial anywhere in Wales.

The Welsh speaking professional judiciary, in conjunction with the Judicial College, have received training to help ensure they are better able to preside over cases where Welsh is used.

## Section 4: Provisions of services to the public

### Question 4.1

Do you agree with the Provisions of Services to the Public section of this Scheme?

### Question 4.2

Please make any comments on how the MoJ proposes to ensure that our provisions of services to the public, a) take account of, and, b) allow flexibility in the use of the Welsh language.

The majority of respondents were content with this section of the Scheme. One respondent stated that this section is particularly positive, progressive and pro-active and that the approach appears balanced and considered. We have summarised below some of the areas included in other responses received on how the provision of services to the public took account of, and allowed flexibility in, the use of the Welsh language. We have also provided our response, including how, where relevant, we have adjusted our new Scheme to take account of such comments.

### Telephone calls

One respondent suggested adding an option of transferring telephone calls from Welsh speakers to the Welsh Language Unit within HMCTS or using a language line. The respondent thought this would provide a service of greater equality rather than asking a Welsh speaker to make additional efforts for their query by putting it in writing, when it could be just a very simple query.

Another respondent suggested that the Scheme should inform the public on what services they can hope to receive in Welsh. It was suggested that since the MoJ Public Enquiry Line (PEL) is a service that will be hosted by NOMS Shared Services on behalf of the Ministry, perhaps there should be a reference to this in the Scheme and how it would deal with anyone wishing to speak in Welsh.

### MoJ response

The MoJ Scheme is a corporate headquarters scheme that reflects MoJ's limited interaction with the public and service delivery in Wales. No calls to the MoJ PEL during 2013–14 were logged as having been received from callers requesting to speak in Welsh. The same applied for 2014–15 and 2015–16.

Responsibility for answering calls made to the MoJ PEL was transferred to staff based in Wales during December 2014, with a similar level of service being offered as before.

Also during 2014, the HMCTS Welsh Language Unit (WLU) liaised with MoJ colleagues about the feasibility of installing an option for Welsh speakers calling the MoJ PEL to be diverted to the WLU. Although this was considered, it was not thought practical due to the range of calls dealt with by the PEL who also receive calls for the establishments operated or overseen by the National Offender Management Service (NOMS).

The Welsh language telephone call answering service in Wales complies fully with the HMCTS Welsh Language Scheme. In general, the centralisation of the HMCTS Welsh

language telephone call handling in the Welsh Language Unit has been beneficial to Welsh language speakers. For example, it has significantly reduced the number of complaints received in relation to callers not being able to speak Welsh when ringing HMCTS courts and offices.

### **Publications**

Some respondents queried that the Scheme allowed Welsh versions of Press Notices and other publications to be issued or posted on websites in Welsh “where deadlines permit” – instead of giving a commitment to produce bilingual versions with simultaneous publication or press notices within 24 hours. It was suggested that in any case there should be a definitive timescale.

### **MoJ response**

When dealing with the publication of Welsh versions of Press Notices and website publishing, Welsh language versions are published simultaneously wherever possible. There are occasions, however, when a document has to be published on a specific date or at a specific time and documents are subject to urgent late changes, which can delay the translation and publication of the Welsh version. Following the consultation exercise, we have amended the Scheme so that, in cases where, due to exceptional circumstances, the Welsh language version cannot be published simultaneously, there is an emphasis on publishing the Welsh version as soon as possible thereafter, within a specified time period of 5 working days.

### **Transcripts**

Comments were received on how the provision of transcription services to the public took account of, and allowed flexibility in, the use of the Welsh language.

One respondent explained that, whilst their company had been a member of the Tape Transcription Panel since its inception over 20 years ago, they had not been asked to provide transcripts or translations in Welsh. It was not clear whether potential clients would instruct a Welsh company as their nominated transcriber because of their location or a company based outside Wales.

For criminal court proceedings conducted in Welsh, respondents suggested that it was unlikely that audio transcripts requested to be prepared in Welsh (as opposed to being translated) could be delivered by transcribers outside Wales. This was considered potentially unfair for firms not in Wales due to costs and consultation with transcription service providers.

### **MoJ response**

A new Court Reporting and Transcription service is now in use across all jurisdictions. For off-site transcription services six regional suppliers have been appointed. The supplier for Wales and the South West is The Transcription Agency and they should be contacted if a Welsh transcription is required. The relevant Request for Transcription form EX107 has been amended accordingly and contains a question (C9) in relation to Welsh transcriptions.

Work is underway to review the MoJ's policies relating to transcription services prior to further market engagement (which will in turn precede a re-competition for the award of new contracts) and it is likely Welsh language hearings will form a part of this.

### **Services delivered on behalf of MoJ by other parties**

Comments were received on how the provision of services delivered on behalf of MoJ by other parties to the public took account of, and allowed flexibility in, the use of the Welsh language.

Some respondents thought that there was an undue burden on small companies competing for Government contracts. This was because it was considered impractical for smaller companies to support the Welsh language equally to English across internet, telephone and correspondence services since these may only be required in a very few circumstances.

For some supplier provided services the costs of providing and maintaining an equivalent service in the Welsh language was contended to add significantly to their overall operating costs. The costs of meeting such customer service requirements would then either have to be passed on equally to the consumers using the service or possibly charged back to the MoJ.

It was suggested that, in order to maintain an even playing field for small businesses competing for Government contracts, it would be a better solution for MoJ to host and provide Welsh language translation services on an 'as required' basis.

One respondent reiterated the importance of MoJ's delivery arm decisions taken that affect the delivery of services in Wales, being properly considered under the Scheme. For example, the early planning stage decisions in relation to the new proposed prison in Wrexham, North Wales needed to incorporate full consideration of Welsh language needs.

### **MoJ response**

There are a number of options available to MoJ in terms of the packaging of contracted services, including the separate commissioning of specific services if necessary. These options are considered in the context of each requirement, taking into account the obligations upon contractors, the volume of service use and cost of providing the services.

In deciding how contracts are competed and awarded, the impact of the requirements on small businesses and their ability to bid is considered in the context of each requirement. These considerations inform MoJ as to the best way of constructing tenders and contracts to ensure the most efficient way of meeting the requirements whilst ensuring fair and open competition.

As a consequence of the consultation responses the revised Scheme has been amended to also reflect that MoJ's Commercial and Contract Management Directorate will ensure compliance with the Welsh Language Act 1993 and MoJ's Welsh Language Scheme (WLS), or the applicable scheme of the appropriate delivery arm. This applied to all new contracts, and services that are contracted out, where public facing services are to be provided in Wales and/or to Welsh speakers in England.

During the process of establishing Berwyn prison in Wrexham, NOMS<sup>1</sup> ensured that was an equality of language in providers' contracts and appropriate monitoring. MoJ ensured that all contracts for the provision of services were consistent with the Scheme.

HMP Berwyn opened in February 2017 with a fully bilingual prison tour for the Press; and the Wales Community Rehabilitation Company is providing 'Through the Gate Services' for offenders. HMPPS has recently issued an operational instruction on 'Equality Analysis' (PSI 20/2016) with a new commitment to ensure that Welsh language considerations are consistently embedded in a context of prison reform and deregulation. The full instruction can be found via the following link: <https://intranet.noms.gsi.gov.uk/policies-and-subjects/policy-and-instructions/psi-2016-20>

Welsh language skills are listed as desirable for staff recruitment. Embracing Welsh language and Welsh culture as a core value at Berwyn has helped mainstream all areas of delivery across the establishment. HMP Berwyn is capturing levels of Welsh language among those successful applicants as part of a skills questionnaire sent to every member of staff. This will capture the numbers of staff who have declared themselves as Welsh speakers.

MoJ remains committed to ensuring that HMPPS service delivery to the public in Wales offers real language choice and equality between the English and Welsh languages. As is the case for prisons holding prisoners who speak Welsh, for example, induction information at the new North Wales Prison in Wrexham is available in both Welsh and English, prisoners are made aware that information is readily available to them in Welsh and their rights and the procedures for letter writing, phone calls and visits conducted in Welsh. We also expect the staff in the prison to reflect the North Wales demographic including a proportion of Welsh language speakers.

All prisoners at HMP Berwyn are provided with bilingual In-Room Technology. This enables them to access a diverse range of services. All such technology will be produced in Welsh language working in conjunction with the Welsh Language Unit. In addition, other prisons in Wales provide a digital portal for men to access information, for example, useful information on their 'first night in custody'. The digital portal is accessible in Welsh and also through a wide range of other languages. For the new language services contracts, which commenced 31 October 2016 and expire 30 October 2020, there is a contractual requirement that the booking service is available in Welsh to access the service. The booking allows the provision of a Welsh interpreter for use in the justice sector.

### Websites

Several respondents commented on how websites dealing with the provision of Welsh language services to the public could be improved.

One respondent thought that equal treatment of Welsh and English was not demonstrated throughout the organisations sponsored by or associated with the Ministry of Justice e.g. lack of Welsh language versions of court rules and consultation papers; and the Judicial Appointments Commission's online qualifying tests not accommodating Welsh language applications.

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<sup>1</sup> Since April 2017 NOMS has been known as Her Majesty's Prison and Probation Service (HMPPS).

The website provisions in the Welsh language scheme were qualified and considered to cut across the principle of treating the English and Welsh languages equally in the conduct of public business and the administration of justice in Wales. Although Welsh translated papers will be available this will be through the English language website and only as soon as practically possible, and based on 'user need'.

It was considered important that MoJ made clear who makes the assessment of potential demand or restricted circulation and the criteria being applied, including who was consulted to provide input e.g. the Judiciary or the relevant Delivery Directors in Wales. Any departure from the principle of equality should be transparent. It was also suggested that the website should be entirely bilingual otherwise everyone will switch to only reading the English version if not all of the pages are available bilingually.

It was further suggested that since MoJ has control over its corporate content on GOV.UK, a statement that all corporate content will be available in Welsh on GOV.UK if it is applicable to Wales should be included, without this needing to be 'demand led'.

### **MoJ response**

We agree that there needs to be an improvement in how MoJ publishes its Welsh language content on the GOV.UK website pages and are taking steps to ensure this happens. We have amended our revised Scheme to reflect this as indicated below.

All government department websites have been merged into the GOV.UK website which is managed by the Government Digital Service (GDS – part of the Cabinet Office). GOV.UK collects and publishes information and availability of service provision from every UK government department and hundreds of arms-length bodies together in a single place. GDS prioritises translation of GOV.UK content into Welsh based on the strength of Welsh-language users' needs.

Content and editorial standards within the service and information 'mainstream' areas of GOV.UK is written and published by GDS, following fact-checking by specialists in departments and agencies. This content is aimed at the general public and based on evidence of user need. MoJ will work with GDS to ensure that MoJ information and material relating to the most-used aspects of our business and services is available in both Welsh and English within this GOV.UK 'mainstream' content.

MoJ is responsible for deciding which 'departmental and policy' content on GOV.UK needs translating; arranging high-quality translation; and keeping the Welsh content accurate and up to date. For MoJ's corporate website content 'department and policy' areas of GOV.UK we will publish Welsh language content in accordance with our Welsh Language Scheme, including relevant policy consultation papers. Officials will apply the transparent scoring system for translating electronic forms and documents given in Annexes B and C in our revised Scheme. Our recently designed Welsh Impact Test will also help ensure early consideration of Welsh language is given to policy proposals and consultations, including their translation, based on evidence of impact within and across Wales.

When designing any new websites, or redeveloping our existing websites, MoJ corporate HQ will take into account the Welsh Language Commissioner's guidance on 'Technology, Websites and Software: Welsh Language Considerations' and the advice note on the Principles of Bilingual Software and any other guidance issued by the Welsh Language

Commissioner with regard to developing websites. Where we are able to and where appropriate, we will include Welsh versions of interactive pages on our website.

Where a Welsh version of a publication is posted, we will do so at the same time as the English language version where the deadline permits. In exceptional cases where this is not possible, MoJ will aim for the Welsh versions to be posted as soon as possible thereafter and certainly within 10 working days.

The availability of Welsh language versions of court rules is an issue for respective consideration of the Committees involved, and whose rules they are e.g. The Criminal Rules Procedure Committee (which is not an HMCTS Committee).

On the judicial qualifying tests, the Judicial Appointments Committee (JAC) has now developed its own Welsh Language Scheme which explains the JAC's application of Welsh language requirements in their selection processes. More information can be found at <https://jac.judiciary.gov.uk/news/jacs-welsh-language-scheme-published>

Moving forward, the JAC will be asking all candidates for judicial appointment to confirm whether they are Welsh speaking at the point of application, regardless of whether Welsh language was considered a requirement for the vacancy.

In improving the effectiveness of the revised scheme we have strengthened it to include consulting the HMCTS Delivery Director for Wales, who is the MoJ Key Holder for Welsh language issues, for guidance as appropriate.

### **Information Technology**

Responses to the consultation included suggestions on how new Information Technology could provide a bilingual service by default.

It was suggested that the scheme could include a policy statement indicating that the default position for new policy initiatives and IT platforms developed by MoJ should include bilingual functionality. Any departure from this position would be made by the Senior Responsible Officer or Project Manager on the basis of reasonableness and proportionality.

One respondent thought the work of the MoJ Digital Team had a profound effect on how some of MoJ's associated agencies deliver bilingual services under their own respective Schemes. A more robust statement of intent in relation to the future development of IT platforms starting from a bilingual default position was suggested.

### **MoJ response**

As MoJ develops and delivers new IT systems and products or update existing ones, we will assess the linguistic requirements in respect of services provided to the public in Wales.

When designing any new websites, or redeveloping our existing websites, MoJ corporate HQ will take into account the Welsh Language Commissioner's guidance on 'Technology, Websites and Software: Welsh Language Considerations' and the advice note on the Principles of Bilingual Software and any other guidance issued by the Welsh Language Commissioner with regard to developing websites.

MoJ Technology aim to deliver bilingual services as far as it is within the capability to do so and so far as is both appropriate in the circumstances and reasonably practical. Responsibility for the content of IT platforms (as opposed to the associated technology) belongs to the relevant business area who will need to ensure compliance with MoJ's Welsh Language Scheme.

Transactional services with the strongest evidence-based user need have been prioritised as 'exemplar' projects and built in GOV.UK by the MoJ's Digital Services Division in line with the GOV.UK user-need approach (some of these services may not have previously existed on justice.gov.uk). Examples of these projects include Prison Visits Booking and Lasting Power of Attorney information.

## **Section 5: Implementing, monitoring and publishing the Scheme**

### **Question 5.1.**

**Please make any comments on how the MoJ proposes to implement, monitor and report on this Scheme.**

Overall respondents were content with the arrangements set out for Implementing, Monitoring and Publishing the Scheme.

It was noted by a respondent that one bullet refers to "monitoring implementation of this Scheme" but it is not explained how this will be achieved.

Another respondent noted that the Scheme continues to give precedence to the English language in Welsh matters whereas both languages should be treated the same.

Another stated that section 5 of the Scheme appears comprehensive.

### **MoJ response**

We have amended the text in the revised Scheme to explain that monitoring its implementation will be carried out through activities set out in the Action Plan included at Annex D of the revised Scheme. MoJ have also added details to the revised Scheme regarding how we will promote its publication to a wider audience of stakeholders.

As part of monitoring the Scheme's delivery, each year MoJ corporate HQ will provide the Welsh Language Commissioner with an Annual Monitoring Report that highlights the progress we have made during the year.

## Conclusion and next steps

MoJ is grateful to everyone who responded to the consultation paper. All comments received have been carefully considered and where appropriate have been included in the revised Scheme. The department's revised Scheme, including the Action Plan, is published alongside this consultation response.

We continue to recognise the importance, cultural significance and value of the Welsh language.

We remain committed to improvements in how we meet the needs of Welsh speakers using our services in Wales. Our updated Welsh Language Scheme adheres to the principle that we will treat the English and Welsh languages equally in the delivery of our corporate services and our conduct of corporate business with the public in Wales in the administration of justice in Wales. We will pursue this approach to suit specific circumstances in the most appropriate and reasonably practicable way.

MoJ will continue to work with its delivery arms and partners to build consistent and cohesive practices that enhance the delivery of services to the public in Wales. We are currently expanding our Welsh Language Co-ordinators Network with this aim in mind.

We are keen to continuously improve how we meet the needs of Welsh speakers using our services and business in Wales. We welcome any further ideas on ways to ensure this happens.

## Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>

## Annex A: List of consultation respondents

1. Dylan Hughes – Private respondent, Cardiff
2. Anne Perkins – Beverley F. Nunnery & Co., Official Court Transcribers
3. Paul Anderson – Gram UK Ltd
4. Anthony Walsh – Chartered Architectural Technologist
5. Sarah Jane Trevor – Legal Services Transcription Service, Exeter
6. Paul Davies – Central Government Contracts, Liberata UK Ltd
7. Kim Brown – Wales Community Rehabilitation Company, Cardiff
8. Aileen Hodgkins – Cater Walsh Reporting Ltd
9. District Judge Harold Godwin
10. Employment Judge Roger Harper
11. Mike Garland, Excel Civil Enforcement Ltd.
12. Jo Easton – Magistrates' Association
13. Gregory Bull, Private respondent
14. Cheryl-Anne Sanderson – G4S Facilities Management
15. Kay Powell – The Law Society of England and Wales
16. Judge Anwen Elizabeth Walker – Fee paid Immigration Judge
17. His Honour Judge David Wynn Morgan – Circuit Judge
18. Lisa Withington – BASS Contract Compliance and Risk Business Partner
19. Elizabeth Ward – (on behalf of Mr Winston Rodd ick CB QC, North Wales Police and Crime Commissioner)
20. Nick Rossiter – Business Development Director, Registry Trust Limited
21. Deputy District Judge Susan Ead
22. Douglas Hughes Jones J.P. – Flintshire Bench
23. Alex Ford – Judicial Appointments Commission
24. Adrian Glen – Suttons Business Park
25. David Subacchi – Denbighshire Bench
26. Gaynor Lloyd – SJB Chambers
27. Richard Morris – Gwent Magistrates Bench
28. District Tribunal Judge Peter Maddox
29. Her Honour Judge Mererid Edwards – Circuit Judge
30. His Honour David Wynn Rees – Retired Circuit Judge
31. Ray Burningham – Committee for Administrative Justice and Tribunals Wales
32. Hywel Hughes – Welsh Language Unit, HMCTS

33. Karys Thomas – Support Officer, Dyfed-Powys Police and Crime Commissioner
34. The Lord Chancellor’s Welsh Language Standing Committee
35. John Randall, Courtel Communications, Egham

In addition to the above respondents, MoJ would also like to acknowledge and thank the Welsh Language Commissioner’s office for the help and advice offered during the revisions to our Welsh Language Scheme.







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