



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

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# Legal Aid Agency's Welsh Language Scheme – The Welsh Language Commissioner's Response to the 2014-15 Annual Monitoring Report

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# 1 Baseline Information

Baseline Information	Further comment	
<b>Approval date of the Legal Aid Agency's Welsh Language Scheme</b>	16 January 2015	
<b>Senior Officer responsible for implementing the Welsh Language Scheme</b>	Matthew Coats, Chief Executive	
<b>Anticipated date of receipt of Annual Monitoring Report</b>	18 September 2015	The report was received on 18 September 2015

## 2 Standard statement

- 2.1 The principal aim of the Welsh Language Commissioner (the Commissioner) is to promote and facilitate the use of the Welsh language. This entails raising awareness of the official status of the Welsh language in Wales and by imposing standards on organisations. This, in turn, will lead to the establishment of rights for Welsh speakers.
- 2.1.1 Two principles underpin the work of the Commissioner:
- The Welsh language shall not be treated less favourably than the English language in Wales
  - People in Wales should be able to live their lives through the medium of Welsh if they choose to do so.
- 2.1.2 In due course, secondary legislation will introduce new powers allowing the setting and imposing of standards on organisations. Until then, the Commissioner will continue to inspect statutory language schemes through the powers inherited under the Welsh Language Act 1993.
- 2.1.3 The Welsh Language Commissioner may investigate failure to implement a language scheme, allegations of interference with individuals' freedom to use Welsh in Wales and, in future, complaints regarding the failure of organisations to meet standards.
- 2.1.4 The Welsh Language Commissioner will be able to regulate organisations robustly and consistently by means of standards, and may decide to impose a civil penalty on an organisation if it does not comply with a relevant requirement.

## 2.2 Annual Monitoring Reports

- 2.2.1 Language Schemes contain a commitment to prepare and submit a monitoring report on an annual basis. To all intents and purposes, an Annual Monitoring Report is a self-assessment exercise. In responding to them, the Welsh Language Commissioner will expect organisations to provide evidence of compliance with their language schemes.
- 2.2.2 With regard to Language Schemes, the Commissioner's practice will be to highlight risks and influence performance with a view to avoiding failure.
- 2.2.3 All responses to annual monitoring reports are published with a view to ensuring transparency and easy access to performance information.

## 3 Comments on performance

### 3.1 Compliance with the WLS

Comments on performance		Action requirements
<b>Paragraph 3, p. 2</b>	The report states that the Agency has 'introduced an online Welsh language application form' for criminal legal aid applications. This online form was not found on the agency's website.	Please state how the online application form for criminal legal aid is accessed.
<b>Paragraph 5, p. 2</b>	The report states that 'all published materials intended for the public in Wales are produced bilingually'.	Please list the Agency's documents which are available in Welsh.

### 3.2 PI1 Frontline Services

Comments on performance		Action requirements
<b>Paragraph 8, p. 3</b>	The report states that the Agency received '594 calls' to the Welsh language line during the reporting period, and that this was 'a decrease of 243 calls on the previous 12 months'. Explanations for this reduction are offered: a reduction in the work receiving legal aid, and digital developments.	Please state: <ul style="list-style-type: none"><li>○ whether a similar decrease was seen in the number of English language telephone calls received;</li><li>○ what steps are taken to promote and facilitate use of the Welsh language telephone service.</li></ul>

### 3.3 PI2 Providing Services through Third Parties

Comments on performance	Action requirements
<p><b>Paragraph 11, p. 3</b> The report states that the 'LAA's new 'Check if you can get legal aid' digital on-line service on Gov.UK is available in Welsh'. When the service was accessed, it was noted that:</p> <ul style="list-style-type: none"><li>○ the service is not included in the Gov.uk list of Welsh language services;</li><li>○ that no background information about the form is available in Welsh;</li><li>○ that there is no suggestion that the service is available in Welsh until after 'Start now' is clicked' on the information page;</li><li>○ that substantial parts of the online service have not been translated (see screenshots sent by email).</li></ul>	<p>Please state:</p> <ul style="list-style-type: none"><li>○ what steps does the Agency intend to take to ensure that the Welsh language online service is complete;</li><li>○ what steps does the Agency intend to take to promote and facilitate use of the Welsh language online service, for example by drawing more prominence to the fact that the service is available in Welsh.</li></ul>
<p><b>Paragraph 13, p. 4</b> The report states that a client being detained can 'request a Welsh-speaking solicitor when the custody officer contacts the LAA's Duty Solicitor Call Centre'.</p>	<p>Please state what steps are taken to ensure that clients are aware that they can request a Welsh language solicitor. Is the service offered proactively?</p>

### 3.4 PI3 Language Training and Awareness

Comments on performance	Action requirements
<p><b>Paragraph 15, p. 4</b> The report states that the Agency will 'continue to consider requests from staff wishing to undertake paid training where they can demonstrate that this satisfies a business need'. The Commissioner is concerned that this statement suggests that the responsibility for requesting training and demonstrating the business need for it is placed on the staff. The Agency's Welsh Language Scheme contains the following commitment (paragraph 43): 'We encourage our staff to learn Welsh or improve their Welsh language skills through our learning and development procedures and, where this meets an identified business need, we meet the cost of their training.'</p>	<p>Please explain what encouragement and support are given to staff who wish to learn Welsh. Please confirm whether the individual is expected to request the training and demonstrate the business need.</p>

### 3.5 General

Comments on performance	Action requirements
<p>There is no dedicated Welsh language page on the Agency's website on Gov.uk. The Commissioner believes that this causes a lack of awareness of services and documents offered in Welsh by the Agency, and difficulties in accessing the services and documents.</p>	<p>Please consider the option of providing a dedicated Welsh language page on the Agency's website on Gov.uk, and provide a response.</p>

## 4 Summary

	Action requirements	Target date
1	Please state how the online application form for criminal legal aid is accessed.	20 working days (30 October 2015)
2	Please list the Agency's documents which are available in Welsh.	20 working days (30 October 2015)
3	Please state: <ul style="list-style-type: none"><li>○ whether a similar decrease was seen in the number of English language telephone calls received;</li><li>○ what steps are taken to promote and facilitate use of the Welsh language telephone service.</li></ul>	20 working days (30 October 2015)
4	Please state: <ul style="list-style-type: none"><li>○ what steps does the Agency intend to take to ensure that the Welsh language online service is complete;</li><li>○ what steps does the Agency intend to take to promote and facilitate use of the Welsh language online service, for example by drawing more prominence to the fact that the service is available in Welsh.</li></ul>	20 working days (30 October 2015)
5	Please state what steps are taken to ensure that clients are aware that they can request a Welsh language solicitor.	20 working days (30 October 2015)
6	Please explain what encouragement and support are given to staff who wish to learn Welsh. Please confirm whether the individual is expected to request the training and demonstrate the business need.	20 working days (30 October 2015)
7	Please consider the option of providing a dedicated Welsh language page on the Agency's website on Gov.uk, and provide a response.	20 working days (30 October 2015)