

## **Annex A: further information required in the Welsh Language Commissioner's comments on the Legal Aid Agency Welsh Language Scheme Annual Monitoring Report 2-14-15**

### **General Information:**

Whilst the Legal Aid Agency (LAA) does have some contact with members of the public, the majority of this contact is through contracted solicitors (providers) and within the terms of this contract there is a requirement to bring Welsh language services to the attention of all clients in Wales, as appropriate. We also proactively promote our bi-lingual services in our only Wales office in Cardiff.

### **Comments on performance: Compliance with the WLS**

**Paragraph 3, p.2:** 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.

**Paragraph 5, p.2:** 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.

### **LAA response:**

**Paragraph 3, p.2:** The online application form for criminal legal aid applications is accessed via providers, as stated in our Welsh Language Scheme (page 6). Providers offer clients the form at the appropriate time and are able to offer these in Welsh, including CRM14 (Interest of Justice & Financial Statement), CRM15 (Financial Statement), CRM15c (Continuation of CRM15) and CRM16 (Review on Grounds of Hardship) and guidance for these forms. Hard copies of all necessary forms are available to download online, however we would not expect clients to need to access these documents independently, as they should be provided to them by their solicitor. A comprehensive list of all necessary Welsh Legal Aid forms can be found at the link below:

<https://www.gov.uk/government/publications/asiantaeth-cymorth-cyfreithiol-ffurflenni-cymraeg-welsh-forms>

However, it should be noted that the primary users of these forms will be solicitors on behalf of their clients and not their clients directly.

The reference to online forms relates to the LAA's eForm, which is completed by the provider. The eForms can be found here: [www.gov.uk/guidance/legal-aid-eforms](http://www.gov.uk/guidance/legal-aid-eforms)

The CRM14 eForm expands where necessary to include the questions on the paper CRM15 & CRM15C. The applicant signs a declaration form that the provider keeps on file.

**Paragraph 5, p.2:** All necessary forms, as highlighted above, are available on the LAA website bilingually. In addition, the LAA has published some other corporate documents bilingually, including the Annual Report and Accounts (see:

<https://www.gov.uk/government/publications/legal-aid-agency-annual-report-and-accounts-2014-to-2015>), The Director of Legal Aid Casework Annual Report (see:

<https://www.gov.uk/government/publications/director-of-legal-aid-casework-annual-report-2014-to-2015>), the LAA Business Plan (see:

<https://www.gov.uk/government/publications/legal-aid-agency-business-plan-2014-to-2015>), the Welsh Language Scheme Annual Report (see: <https://www.gov.uk/government/publications/legal-aid-agency-welsh-language-scheme-report-2013-to-2014>) and the Welsh Language Commissioner's response to our Welsh Language Scheme Annual Report (see: <https://www.gov.uk/government/publications/legal-aid-agency-the-welsh-language-commissioners-response-2012-to-2014>). The consultation on our Welsh Language Scheme was also published in Welsh, and subsequently replaced with the Agency's final Welsh Language Scheme (see: <https://www.gov.uk/government/consultations/asiantaeth-cymorth-cyfreithiol-cynllun-iaith-gymraeg>).

### **Comments on performance: PI 1 Frontline Services**

**Paragraph 8, p.3:** 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.

1. Please state whether a similar decrease was seen in the number of English language telephone calls received.
2. Please state what steps are taken to promote and facilitate use of the Welsh Language telephone service.

### **LAA response:**

1. During 2014/15 a decrease of approximately 14% in English language calls received was observed, although the LAA does not maintain a reason code for calls received.
2. A key point of access to LAA support is via the Civil Legal Advice (CLA) telephone service, which offers bi-lingual advice.

Contractually, providers are required to bring Welsh language services to their client's attention. A survey of all providers was conducted last year and the Welsh language service was included as part of the survey. Contract Managers regularly liaise with providers and routinely promote the service.

The English language service provides details of an option to use the Welsh language service if callers would like their call to be handled in Welsh. When members of the public contact the Welsh Language Contact Point or the Wales office the phone is answered with a bilingual greeting.

The LAA will take action to request that the Welsh language phone line number is promoted alongside our English language line on the LAA GOV.UK website.

### **Comments on performance: PI 2 Providing Services through Third Parties**

**Paragraph 11, p.3:** 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:

- The service is not included in the Gov.UK list of Welsh Language services
  - That no background information about the form is available in Welsh
  - That there is no suggestion that the service is available in Welsh until after 'start now' is clicked' on the information page
  - That substantial parts of the online service have not been translated.
1. Please state what steps does the agency intend to take to ensure that the Welsh language online service is complete
  2. Please state 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.

**Paragraph 13, p.4:** 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'.

1. 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?

**LAA response:**

**Paragraph 11, p.3:**

1. Legal Aid Agency staff visited our 'Check if you are entitled to Legal Aid' pages to observe the translation errors noted in the images sent by the Commissioner. Our staff did not observe the same errors when the website was visited (please see attached corresponding images as found by our staff). However, we did note that some national helpline advice was erroneously provided in English. We have commissioned the HMCTS Welsh Language Unit to provide translations for this text and have asked our digital team to amend the text to the correct Welsh translation as soon as possible. We will report on this progress in our next Annual Monitoring Report. We will also investigate with our digital team possible reasons for the discrepancies between what your staff and our staff observed to ensure we can take any further action as necessary.
2. The publishing platform [GOV.UK](https://www.gov.uk) is managed by the Government Digital Service (GDS) which is part of the Cabinet Office (<https://www.gov.uk/government/organisations/government-digital-service>). GDS also manage the editorial standards and the overall approach on [GOV.UK](https://www.gov.uk) to Department's publications under their individual Welsh Language Schemes. Individual Departments' role is to comply with these standards, therefore MoJ and its Agencies/business delivery arms are publishers in this process, with limited control over our corporate content. GDS guidelines on Welsh Language can be found at <https://www.gov.uk/guidance/content-design/welsh-language-on-gov-uk>.

**Paragraph 11, p.4:**

The requirement for a Welsh Language solicitor is highlighted when the police make contact with the Duty Solicitor Contact Centre. The police establish with clients their need for a Welsh language solicitor and communicate this to the Duty Solicitor Contact Centre when requesting a solicitor on the client's behalf. When a client contacts a solicitor directly, individual providers would address this need with the client.

### Comments on performance: PI 3 Language Training and Awareness

**Paragraph 15, p.4:** 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 (para 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'.

1. Please explain what encouragement and support are given to staff who wish to learn Welsh.
2. Please confirm whether the individual is expected to request the training and demonstrate the business need.

### LAA response:

#### Paragraph 15, p.4:

1. Managers actively encourage staff to get involved in learning Welsh. HMCTS run a Welsh language training course and all staff in Wales were invited to participate. The training provided is free and three members of staff have taken up the opportunity. Any staff member may apply irrespective of grade or area of work. The LAA have also funded a member of staff to attend residential Welsh language courses.
2. All staff have personal one-to-one discussions with their line managers, where staff can request, and managers can propose, training. Agreement on training is made directly between line managers and their staff members. In the case of the HMCTS training, all staff were proactively offered training and did not need to make a specific request.

### Comments on performance: General

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.

Please consider the option of providing a dedicated Welsh language page on the Agency's website on Gov.uk and provide a response.

**LAA response:** The LAA is somewhat restricted in the design of its webpage as the publishing platform [GOV.UK](https://www.gov.uk) is managed by the Government Digital Service (**GDS**). However, the LAA will explore with GDS, via MoJ Digital, the possibilities of such a page and the proven usage data and information which could potentially feature on such a page.

It is worth noting that [GOV.UK](https://www.gov.uk) relies on all information being presented consistently and on the basis of user need: that is, there must be a provable, evidence-based requirement for the information to exist on [GOV.UK](https://www.gov.uk). In this respect, 'evidence' is numbers – for example, if people are searching for something, [GOV.UK](https://www.gov.uk) (back-end) will keep track of these searches. Over time, when examining the search data, it may become clear that people are looking for

something that does not exist on the site. If those numbers are significant enough, then they will justify new content being created to meet that provable need. The new content is then designed to answer the specific user-need questions. Content on [GOV.UK](https://www.gov.uk) will be published only if it meets the user-need criteria.

The LAA understands that a representative from GDS met recently with representatives from MoJ and other Departments and as a result there may be a change regarding how demand is measured. We will look into this, with MoJ, and update in our Annual Monitoring Report for 2015/16.