



Gweinyddiaeth
Cyfiawnder

Ministry
of Justice

Ministry of Justice Welsh Language Scheme

2019-20 Annual Monitoring Report to the Welsh Language Commissioner

December 2020

Protecting and advancing the principles of justice



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Introduction

This report covers the period from 1 April 2019 to 31 March 2020 and is a self-assessment of how the Ministry of Justice (MoJ) has continued to deliver its commitments under its 2018 Welsh Language Scheme (the MoJ Scheme) during this period.

The MoJ Scheme sets out how MoJ gives effect to 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, the English and Welsh languages should be treated on a basis of equality. It enables everyone who receives a service from the MoJ in Wales, or who communicates with us, to do so through the medium of English or Welsh, according to their personal choice.

The MoJ Scheme is a corporate scheme that covers policy development, recruitment and delivery of services to the public within MoJ's corporate headquarters. This is the second Annual Monitoring Report (AMR) on the second year of operation of our 2018 MoJ Scheme.

We are supported by five Executive Agencies (EAs) responsible for the delivery of the majority of our services to the public¹: Each of our EAs has their own Welsh Language Scheme (WLS) that achieves either an equal or greater provision of Welsh language services than the MoJ Scheme. Since each EA also reports annually to the Welsh Language Commissioner (WLC), the detail of this information is not repeated here unless it is of relevance to corporate MoJ Scheme reporting.

Summary of achievements

Achievements for 2019-20 include:

- Key MoJ consultations being available in Welsh from the MoJ Consultation Hub on our 'corporate' GOV.UK pages and from the 'mainstream' pages of GOV.UK
- MoJ signed up to the Welsh Government funded Work Welsh programme which offers Welsh language courses for staff.
- HMCTS recorded 717 cases in the reporting year where Welsh was used.
- Commission on Justice in Wales, published its report in October 2019 to set a long-term vision for the future of justice in Wales.
- Devolution Learning Week took place at MoJ HQ in May 2019 with speakers from the Welsh Language Commissioner.
- MoJ's Welsh landing page for our website can be accessed here: <https://www.gov.uk/government/organisations/ministry-of-justice.cy>
- HMPPS advertised its new Innovation Grant Programme with a stakeholder engagement event in Cardiff.
- The continued operation of a widened physical and virtual MoJ Welsh Language Co-ordinators Group that meets biannually and covers the full breadth of MoJ's business areas.

¹Our 5 Executive Agencies are: Her Majesty's Courts and Tribunals Service (HMCTS), Her Majesty's Prison and Probation Service (HMPPS), the Legal Aid Agency (LAA), the Office of the Public Guardian (OPG), and the Criminal Injuries Compensation Authority (CICA).

- Oleo (formerly World Careers Network) e-recruitment system has advertised 97 vacancies where the Welsh language is highlighted.
- In support of the success of our Welsh Impact Test for policy officials, the HMCTS Welsh Language Unit translated 45 corporate policy documents.

Progress on the Action Plan

An update on our progress in delivering our ongoing relevant Welsh Language Scheme actions is set out below to help demonstrate our compliance.

MoJ's 2018-19 Annual Monitoring Report

No comments were received from the Welsh Language Commissioner in response to the 2018-19 Annual Monitoring Report.

1. Policy development and Implementation

Success criteria:

- Improvements in staff awareness; with WLS requirements considered in the policy making and procurement process.*
- Policy, analyst and legal staff consistently consider Welsh language implications in policy development and consultations.*

MoJ consultations

During the 2019-20 reporting period MoJ carried out a number of consultations in Welsh and published responses in Welsh as follows:

Proposed rule changes relating to contempt of court: redraft of CPR Part 81

The consultation was translated in full (March 2020) and is available on the corporate MoJ consultation hub and mainstream GOV.UK site.

Consultation on Improving the Victims' Code

Both the consultation and the Revised Victims' Code were translated in full (March 2020) and are available on the corporate MoJ consultation hub and mainstream GOV.UK site.

Criminal Legal Aid Review: An accelerated package of measures amending the criminal legal aid fee schemes

An executive summary of the consultation was translated (February 2020) and is available on the corporate MoJ consultation hub and mainstream GOV.UK site.

Housing Possession Court Duty Scheme: Towards a more sustainable service

The consultation was translated in full (October 2019) and is available on the corporate MoJ consultation hub and mainstream GOV.UK site.

Assessing risk of harm to children and parents in private law children cases

The call for evidence was translated in full (July 2019) and is available on the corporate MoJ consultation hub and mainstream GOV.UK site. A progress update is also available on the corporate MoJ consultation hub and mainstream GOV.UK site.

Reform of the legal requirements for divorce

The consultation response was translated in full (June 2019) and is available on the corporate MoJ consultation hub and mainstream GOV.UK site.

Strengthening probation, building confidence:

The consultation response (May 2019) was translated in full and is available on the corporate MoJ consultation hub and mainstream GOV.UK site.

Guardianship (Missing Persons) Act 2017, implementing the Act:

The consultation response (April 2019) was translated and is available on the corporate MoJ consultation hub and mainstream GOV.UK site.

[MoJ / Welsh Government Concordat](#)

As reported previously, the Concordat between the MoJ and the Welsh Government sets out the working level relationships between the Welsh Government and the MoJ. It covers arrangements for consultation and co-operation between the bodies, covering exchanges of information (including the terms on which information is shared), justice impacts, access to services, resolution of disputes and review of relations. The Concordat, dated 25 June 2018, was published in English and Welsh. It represents an important step forward for improved working practices, intergovernmental relations, and justice outcomes for both administrations.

[Commission on Justice in Wales](#)

The Commission on Justice in Wales, which was set up by the Welsh Government, undertook a review of the justice system in Wales in 2017 and it published its report in October 2019 to set a long-term vision for the future of justice in Wales. The Report can be found here: <https://gov.wales/commission-justice-wales-report>

The UK Government has agreed to work with the Welsh Government to consider carefully recommendations that have the potential to improve the administration of justice in Wales, notwithstanding the fact that the Wales Act 2017 provides an effective and efficient framework for delivering justice in Wales.

[The Independent Advisory Committee on Justice in Wales](#)

The Independent Advisory Committee on Justice in Wales published its first report on delivering justice effectively in Wales (published in English and Welsh) on 23 July 2019, which can be found here: <https://www.gov.uk/government/publications/justice-in-wales-first-report-of-the-independent-advisory-committee-on-justice-in-wales>

The Committee's terms of reference were to:

- review the operation of the justice system in Wales on an ongoing, periodic basis;
- make recommendations that ensure that the justice system in Wales keeps pace with both Assembly and Parliamentary law making within the single jurisdiction;
- monitor the effectiveness of administrative arrangements on justice in Wales and make recommendations to deliver efficient and effective justice services across the devolution boundary, building on examples of good practice and co-operation.

The Committee's membership included the judiciary, the Law Society, Bar Council, Her Majesty's Prisons and Probation Service in Wales, Her Majesty's Courts and Tribunals Service Wales, the Welsh Government, Wales Office and the Ministry of Justice and is chaired by a senior Cabinet Office official.

The Committee has not met since the Commission on Justice in Wales published its report, as the Ministry of Justice will be working with the Welsh Government to consider the implications of its findings.

[Welsh Language Commission: The Role of the Welsh Language](#)

Devolution Learning Week took place at MoJ HQ in May 2019. At this event, speakers from the Welsh Language Commissioner discussed the launch of the HMPPS Welsh Language Scheme and the position Welsh has as an official language. Welsh Language will feature as part of ongoing devolution learning sessions.

MoJ was also one of the first six government departments to corporately sign up to the Welsh government's Work Welsh (WW) programme aimed at improving the Welsh language skills of our staff in Wales. Building on HMCTS being early adopters of WW, we recognise the importance of

integrating the Welsh language into MoJ's business activities impacting on Wales for our corporate functions as well as our operational service delivery.

2. Recruitment

Success criteria:

- a) *An effective system exists to monitor MoJ's recruitment of staff and appointment of judiciary to ensure that it meets its commitments made in the Welsh Language Scheme.*
- b) *Court proceedings are held in Welsh where required.*
- c) *Consistent approach to the Welsh language in the recruitment of magistrates and judges.*
- d) *New recruitment system complies with Welsh Language Commissioner's requirements and legislation.*

Staff

Success criteria: a) *An effective system exists to monitor MoJ's recruitment of staff and appointment of judges to ensure that it meets its commitments made in the Welsh Language Scheme.* d) *New recruitment system complies with Welsh Language Commissioner's requirements and legislation.*

MoJ uses the Oleo e-recruitment system. We have advertised 97 vacancies where the Welsh Language Scheme is mentioned and that the language requirements state that Welsh language is desirable or essential. We have appointed 33 Welsh speakers to a post where there was a requirement for the Welsh language.

Court proceedings

Success criteria: b) *Court proceedings are held in Welsh effectively where required.*

The effective identification and subsequent recruitment of Welsh-speaking judges and magistrates enables court proceedings to take place in Welsh when required. During the reporting year HMCTS recorded 717 cases where Welsh was used. The total is broken down as follows: Crown Courts 30, Magistrates' Courts 357, County Courts 300, Probate 6, Tribunals 24.

There were 199 other cases where contact was made in Welsh but no physical hearing took place (e.g. criminal summary only cases such as motoring offences).

The judiciary

Success criteria: c) *Consistent approach to the Welsh language in the recruitment of magistrates and judges.*

Thirty-five selection exercises were completed and reported in 2019-20. The business area and the judiciary identify the Welsh language requirements for vacancies, which the Judicial Appointments Commission (JAC) assesses.

The JAC recommends candidates to the Appropriate Authority. Judicial Office manages the deployment of candidates into roles.

In 2019-20 the following selection exercises required Welsh language assessments:

Recorder. This exercise launched on 19 June 2018 with up to 160 vacancies including two posts requiring Welsh language. Candidates were also tested on their understanding of the administration of justice in Wales. Nineteen candidates were recommended for appointment to Welsh posts including one candidate for a Welsh language role.

Deputy District Judge (Magistrates Court). This exercise launched on 20 September 2018 with 30 vacancies including two posts in Wales requiring Welsh language. Candidates were also tested on their understanding of the administration of justice in Wales. Four candidates were recommended for Welsh posts, including 2 for the Welsh language roles.

District Judge. This exercise launched on 1 November 2018 with 92 immediate vacancies, including one Welsh language post, and 18 future vacancies. Candidates were tested on the Welsh language and on their understanding of the administration of justice in Wales. Four candidates were recommended for immediate appointment to Welsh posts, including one candidate for the Welsh language role.

Fee-Paid Judge of the First-tier Tribunal and Fee-Paid Judge of the Employment Tribunals (England and Wales). This exercise launched on 20 March 2019 for up to 222 vacancies, including three posts that required Welsh language. Candidates were also tested on their understanding of the administration of justice in Wales. Ten candidates were recommended for Welsh posts but unfortunately none of the candidates who expressed an interest in the Welsh posts were recommended for the Welsh language roles.

Deputy District Judge. This exercise launched on 20 March 2019 for 200 immediate vacancies, three posts in Wales required Welsh language capability. Four candidates were recommended for the Welsh language roles and thirteen candidates were recommended for Welsh posts based on their understanding of the administration of justice in Wales.

President of the Welsh Language Tribunal. This exercise launched on 26 February 2019 on behalf of the Welsh Government, with one vacancy with a requirement for the ability to understand, speak, read and write both Welsh and English to a standard that would enable the person to conduct the business of the Tribunal through the medium of both languages. One candidate was recommended for appointment.

The following selection exercises did not have a Welsh language requirement but candidates were assessed on their understanding of the administration of justice in Wales:

Salaried First-tier Tribunal Judge. This exercise launched on 6 November 2018 with 100 vacancies initially, although the number of vacancies was later increased to 120 which included five in Wales. Those candidates who were interested in a Welsh post were assessed on their understanding of the administration of justice in Wales. Seven candidates were subsequently recommended to Judicial Office for appointment to Welsh roles as required.

Circuit Judge. This exercise launched on 23 January 2019 for 29 immediate roles and 21 future roles. Those candidates who were interested in a Welsh post were assessed on their understanding of the administration of justice in Wales. Three candidates were recommended for appointment to Welsh roles.

District Judge (Magistrates Court). This exercise launched on 5 March 2019 with 25 vacancies. Those candidates who were interested in a Welsh post were assessed on their understanding of the administration of justice in Wales. Seventeen candidates were recommended for Welsh roles.

Regional Judge (IAC & SEC). This exercise launched on 24 April 2019 with five vacancies. Those candidates who were interested in a Welsh post were assessed on their understanding of the administration of justice in Wales. One candidate was recommended for a Welsh role.

Resident Judge (SJC) (Teesside & Wales). This exercise launched on 25 July 2019 with two vacancies, one for Teesside and one for Wales. Only a candidate for the Teesside post was recommended as no candidates applied for the Welsh post.

[Judicial College](#)

The Judicial College Board is supported by the dedicated Wales Training Committee, chaired by the Presiding Judge of Wales, Mr Justice Picken. An important part of the Committee's remit is to liaise with HMCTS Wales on the provision for Welsh language training for the judiciary who sit in Wales, thereby ensuring the Judicial College complies with the requirements of legislation relating to the Welsh language. The Committee also works closely with the Judges Council Committee on Wales which is chaired by the Lord Chief Justice. The Wales Language Seminar, which is provided to assist judicial Welsh language speakers of all levels, is run biennially under the auspices of the

Wales Training Committee. The last seminar was held in March 2019 and the next one is planned for 2021.

The Judicial College produces three e-bulletins each year which assess the progress of devolved law and provides information which is available to all the judiciary of England and Wales. The bulletin is produced in both Welsh and English. The separate area for Wales on the College's digital Learning Management System (LMS) has dual language options where appropriate and practical, with some library material now available in Welsh. In addition, the Judicial College has produced e-learning modules on intercultural communications, which also covers certain Welsh language issues and is available to all judicial office-holders at any time in the LMS.

[Advisory Committees and appointments to the Magistracy](#)

In the year 2019-2020 the Lord Chancellor's Advisory Committees in Wales identified a need to recruit justices to be able to communicate through the medium of the Welsh Language across all the LJAs in Wales with a particular need across Dyfed Powys and North Wales. In that area the Advisory Committee appointed 9 Welsh speaking justices to the adult court and for the first time with direct recruitment 1 appointment to the Family Court. In the remainder of Wales, a further 7 Welsh speakers were appointed including 1 direct recruit to the Family Court. All of those interviews were undertaken through the medium of Welsh. The Judicial Forecasting tool is used to ascertain the need for Welsh speaking justices. This examines the number of retirements and resignations from each area, the anticipated number of court sittings and looks to achieve a minimum percentage of the bench as Welsh speakers - this varies across each LJA. The % has remained constant over the last few years. The number of cases where Welsh is spoken in part or full during a court hearing is also collected.

The Lord Chancellor's Advisory Committees have identified that recruitment of Welsh speaking Justices in North West Wales-Anglesey/Gwynedd and South West Wales-Ceredigion/Carmarthenshire as an area of concern. Over the last 2 years there has been a lack of Welsh speaking applicants against the number of identified vacancies. This has been raised both at a regional level through the Welsh Language Standing Committee and nationally and is on the risk register. We have looked to see how we can target more applications from Welsh speakers by highlighting the need and focusing the campaigns in those areas.

[Registered Intermediaries](#)

Since the summer of 2018 the MoJ has completed six Registered Intermediaries (RI) recruitment campaigns, one of which was in Wales. This has significantly increased the capacity of the Witness Intermediary Scheme (WIS) to meet the needs of eligible vulnerable victims and witnesses. A further recruitment campaign was launched in January 2020 for RIs with mental health skills in Wales and five regions across England. Interviews were completed in March and training is expected to commence later in the year, when the Covid-19 related restrictions have been lifted.

To encourage the recruitment of Welsh-speaking RIs, materials for the January 2020 recruitment campaign were translated into Welsh and preparations were made for translators to be present at interview if required. The National Crime Agency (NCA) hold data on the number of Welsh speaking RIs in the WIS and the police force areas (PFAs) in which they operate. Welsh speaking RIs now operate in every Wales PFA. There are currently four Welsh-speaking RIs in the WIS and 60 RIs practising in Wales.

At present our recruitment strategy is prioritising areas where our evidence shows that requests for an RI are not being met. As we continue with this strategy we will ensure that Welsh language skills are included in our considerations. Our evidence indicates that RI requests on behalf of Welsh-speaking witnesses are being met. In the event that this is not possible to match a Welsh-speaking RI to a Welsh-speaking witness a translator would be provided to work with the victim/witness and the RI. Between 01/04/2019 and 31/03/2020 the NCA received 518 RI requests in Wales, with five of those going unmatched and eight being cancelled (none of the unmatched or cancelled requests involved Welsh-speaking witnesses).

We are aware of the ongoing Welsh Language Commissioner interest in this important area of our work and will be reporting further on RIs in the next AMR for 2020-21.

3. Provision of services to the public

Correspondence

Success criteria:

- a) *No complaints from customers in Wales that clarity was lacking regarding the handling of Welsh correspondence.*
- b) *Documents translated into Welsh appropriately.*
- c) *Welsh correspondence is responded to in Welsh within the same timescales as other correspondence*

During the reporting period 2019-2020, the MoJ's Ministerial Correspondence and Support Team received one piece of correspondence in Welsh, via our externally facing webform. The email was sent to colleagues in HMCTS to answer as it related to their area, and they answered it on time. Officials continue to monitor levels of Welsh correspondence received by the Ministerial Correspondence and Support Team and staff have been reminded to record any correspondence received in Welsh on the database. This includes hard copy correspondence sent by post or electronic correspondence by email. Correspondence staff across the department have also been reminded that any correspondence received in Welsh should be replied to in Welsh.

Telephone calls

Success criteria:

Welsh speakers will have calls answered in Welsh at first contact.

The Public Enquiry Team (which is part of a wider Shared Services call centre based in South Wales) handles the MoJ Public Enquiry Line (PEL) for calls from people calling the MoJ only. Calls received are mainly from people wanting to be put through to someone in 102 Petty France London Headquarters such as HMCTS, Coroners Unit or press office. These calls are from the general public or external stakeholders including other government departments.

The operators on the PEL switchboard do not provide advice or MoJ information other than transferring callers through to the appropriate party or providing email details for functional mail boxes. Calls received by the PEL team are via a London number. MoJ does not advertise any language options to callers; however, should someone call and wish to speak only in Welsh, the PEL can accommodate the request as the wider Shared Services call centre team has 20 fluent Welsh speakers.

During the period of this report there has not been a caller who has tried to communicate with MoJ in Welsh. Also during this period MoJ did not receive any complaints about the lack of a more formal Welsh language option.

Events

Success criteria:

No complaints received about failure to facilitate the use of Welsh or provisions of Welsh translations at events in Wales.

MoJ does not hold central records of events held across the business regarding meetings in Wales where specific arrangements were made to facilitate the use of the Welsh language. There is guidance on the MoJ intranet to help staff with identifying translation needs and facilities for meetings and events with the public in Wales.

Corporate identity

Success criteria:

Consistency in the way the Welsh language is used.

During the period of this report, MoJ's Corporate Communications Team has been operating in its business-as-usual capacity for Welsh language activities. MoJ's central design team - design102 - uses the HMCTS Welsh Language Unit for all translations required by MoJ business areas. The MoJ brand guidelines provide advice on using the Welsh and bi-lingual versions of the MoJ logo.

Publications and forms

Success criteria:

- a) *Consistency in the way in which the Welsh language is used.*
- b) *All documents produced in both Welsh and English versions are produced to the same standard and to the same timescale where deadlines permit.*

When MoJ's design team, design102, designs a document in English which requires a Welsh translation, design102 will provide the artwork files to the HMCTS Welsh Language Unit, enabling them to format the Welsh version in the same style. Due to the late sign-off and frequent last-minute changes and iterations of some English documents, it is not always possible to produce both Welsh and English versions simultaneously, although the Welsh version is published as quickly as possible thereafter (and certainly within 10 working days under our Welsh Language Scheme). All documents produced in both Welsh and English are produced to the same standard.

Cremation forms and guidance

Cremation guidance on GOV.UK was revised in English and Welsh in April 2020 to reflect the temporary changes to the Cremation (England and Wales) Regulations 2008 provided for in the Coronavirus Act 2020 which came into force on 26 March 2020.

The Regulations make provision for bilingual (or Welsh) versions of these forms issued by the Secretary of State to be treated in the same way as the English versions of the forms. The cremation forms are either applications for, or documents in support of, a cremation and will be accepted by Cremation Authorities.

HMCTS Welsh Language Unit

The HMCTS Welsh Language Unit (WLU) undertakes the majority of our corporate translations. From 1 April 2019 to 31 March 2020 the WLU and Cymen translated 45 corporate documents for MoJ HQ at a cost of £19,253.

Press notices, publicity campaigns and advertising, official and public notices

Success criteria:

Consistency in the way in which the Welsh language is used.

We have issued one press release jointly with the Office of the Public Guardian (OPG) in the Welsh language relating to the launch of a deputyship fee refunds scheme in October 2019. The OPG refunds are for eligible deputyship assessments and annual supervisions which took place between 1 April 2008 and 31 March 2015. The page is available in Welsh here:
<https://www.gov.uk/government/news/deputyship-fee-refunds-scheme-launched.cy>

The opening of the legal year in Wales by the Lord Chancellor (October 2019) was highlighted with a message in Welsh on the MoJ Twitter account.

<https://twitter.com/MoJGovUK/status/1183399367279034368>

Digital services, website and information

Success criteria:

- a) *Reduced complaints regarding lack of Welsh content for relevant corporate documents.*
- b) *Availability of appropriate Welsh content for our policies and publications.*
- c) *MoJ's IT systems include Welsh language capability.*
- d) *Prepare a Welsh language version of our GOV.UK homepage.*

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.

MoJ's Welsh landing page for our website was introduced in 2018 and can be accessed here: <https://www.gov.uk/government/organisations/ministry-of-justice.cy>

Our Welsh home page is on GOV.UK with our associated 'corporate' pages, which have also been translated into Welsh. These are accessible via a 'Cymraeg' link at the top right of the homepage. MoJ Communications will ensure all updates to these pages are also made in Welsh. We will also continue to provide links to Welsh GOV.UK content (where available) from the Welsh home page.

We have introduced new Welsh language branding on stationery, reports, logos and electronic communications effectively in terms of user needs and demand.

MoJ Technology takes the following position on Welsh language technology:

- as we develop and deliver new IT systems and products or update old ones we will assess the linguistic requirements in respect of services provided to the public in Wales;
- we will promote and facilitate the use of Welsh so far as it appropriate in the circumstances and reasonably practical;
- when we develop or procure MoJ Technology systems we will take into account the Welsh Language Commissioner's Bilingual Software Guidelines and Standards;
- responsibility for the content of IT platforms (as opposed to the associated technology) belongs to the relevant business area.

These principles are applied whenever it transitions to new contracts. MoJ Digital and Technology is always willing to consider any specific requirements of the Welsh Language Unit.

Services delivered on behalf of the MoJ by other parties

Success criteria:

Staff are aware regarding arrangements to include Welsh language considerations in third party contract agreements.

MoJ current standard contract terms and conditions include clauses that require suppliers to comply with the Welsh Language Act 1993 and the Welsh Language Scheme 'as if they were the Authority'.

Interpreter and Translation Services Contract:

The language services contracts continue to provide for Welsh interpreting and translation in the same way as all other languages are provided for. The Welsh language was included in the specification for each of the contracts as one of the languages for which the suppliers are required to provide language professionals. There has been close collaboration between the contracts team, the corporate Welsh Language team and the WLU to ensure the new MoJ Languages contract specification (for 2021) includes appropriate lines and detail on the Welsh language / Welsh Language Scheme.

During 2019-20 MoJ received a combined total of 210 Welsh language bookings via our contracts for face to face, telephone and video interpretation (Lot 1) and for written translation and transcription (Lot 2). Statistics on the use of language interpreter and translation services in courts and tribunals forms part of the quarterly Criminal Court Statistics available through the GOV.UK website which can be found here:
<https://www.gov.uk/government/statistics/criminal-court-statistics-quarterly-january-to-march-2020>

National Payment Line Contract:

As previously reported, this contract was awarded in December 2017 and is ongoing. It is due to expire in December 2020. A new direct award contract will be implemented by utilising the Crown Commercial Services framework. Service requirements include the provision of a dedicated phonenumber in both English and Welsh, with English and Welsh speaking agents. The automated payment service is also provided in both English and Welsh.

Civil Legal Advice Specialist Telephone Contracts in Education (September 2019) amended the previously reported Civil Legal Advice 2018 Contract.

Civil Legal Advice (CLA) Contract (published in September 2018):

This governs the provision of remote legal aid services in the categories of family, debt and housing, discrimination and education. It includes the following clause: *“You must comply with all relevant legislation (including all Legal Aid Legislation). Where you provide Contract Work to Clients whose language of choice is Welsh, you should ensure it is accessible to, and understandable by such Clients in accordance with the Welsh Language Act 1993”.*

Approved Enforcement Agency Contracts (November 2019)

The Services support HMCTS compliance and enforcement operations that ensure financial penalties, as well as a number of other non-custodial penalties and custodial actions are collected and performed. WLS contractual obligations include:

- The Service Provider shall adhere to all applicable Law and the Authority Welsh language Scheme that states that in the conduct of public business and the administration of justice in Wales it will treat the Welsh and English languages on a basis of equality;
- For services being delivered in Wales, the Service Provider shall ensure that the number of Welsh speaking employees reflects the language profile of Wales, if it is less, the company shall provide intense Welsh language lessons in order to ensure that they meet the demand within four years;
- The Service Provider shall ensure that all documents including business cards that are sent to the Defendant within Wales shall be bilingual. Any Defendant that wishes to correspond with the Service Provider, either face to face, digitally or by telephone shall be able to do so in their preferred language.

MoJ Provision of Online Legal Resources Framework (August 2019)

The printed publication contracts provide for the supply of printed legal publications, including books, journal subscriptions and eBooks for use by the Judiciary and legal advisers. The Online Legal Resources contracts provide for the supply of licenses to access an extensive e-Library of online databases containing legal information, case law and transcripts, legislation, textbooks, procedure rules and current awareness services.

Framework Agreements (FWA) contain a requirement for the supplier to comply with the Welsh Language Act and the Welsh Language Scheme as if it were the Authority, to the extent that the same relate to the provision of the Goods. The same clause is contained within the Call Off Terms included in each Call Off Contract.

The Framework can be found here:

<https://www.government-online.net/ministry-of-justice-online-legal-resources-framework/>

Allocation of grants

Success criteria:

Grants are awarded in accordance with the commitments made in the Scheme

Any organisation which applies for a grant for activities which involve the delivery of services to people in Wales, will be expected to address in their applications, where appropriate, how they intend to provide those services in Welsh as well as English. This will then be incorporated as one of the funding conditions.

To ensure that we have robust governance arrangements and grant expenditure is achieving value for money, MoJ established a challenge function (the Grants Challenge Panel) in October 2017. The Panel, which includes representation from the Cabinet Office Grants Centre of Excellence supports decision-making around both establishing new grants and reviewing existing grants.

The HMPPS/ Victim & Witness Grants Board oversees the processes to allocate grants in their respective areas, including the overall sum on offer and aligning the grants to the department's strategic priorities. The competitions are run via the 'Jaggaer' E-tendering System, which can be accessed by any supplier who is registered. Competitions were also advertised with Clinks.

To help inform prospective bidders, the description document that accompanies each advertisement will outline whether and when Welsh Language Act considerations apply. When awarded, and if appropriate, the grant recipient will be made aware of the MoJ requirements with which they are expected to comply, including where the respective MoJ or HMPPS Welsh Language Scheme gives effect to applicable Welsh Language Act requirements.

For 2019-2020, the HMPPS grants budget of £4.9m was used to support the continuation of strategic grants with £1.4m used for Innovation Grants that contribute to HMPPS's broad aims and specific priorities. The grants programme is advertised to all Voluntary, Community and Social Enterprise (VCSE) organisations - which are Third Sector organisations - in England and Wales.

Funding has been awarded to a number of VCSE organisations to support strategic aims, test out new and innovative ideas and develop capacity in organisations with projects including:

- Prison Radio, a key source of information for offenders about issues that affect them;
- Koestler Trust, which encourages artistic activity and raises awareness more generally about offenders' art;
- National Association of Official Prison Visitors, which supports prison visitors to provide a vital service for offenders who lack external support;
- Prisoners Abroad, an organisation that supports resettlement of offenders returning to the UK after serving sentences abroad;
- Samaritans, providing key support for prisoners who are suicidal and at risk of self-harm and supporting safer custody work in prisons; and
- Citizens Advice, providing advice and support to victims of a miscarriage of justice.

HMPPS advertised its new Innovation Grant Programme for 2020-22 in October 2019, with the opportunity open to all VCSE organisations in England and Wales. Three stakeholder engagement events were held, including one in Cardiff. This was the first time that HMPPS had held such an event in Wales. The programme has identified sixteen new projects, which were originally due to commence on 1 April 2020 but have been deferred due to the Covid-19 situation. Of the sixteen awards, there are no projects specifically operating in HMPPS locations in Wales, although grant recipients will have been made aware of the requirements of the Welsh Language Scheme where appropriate.

Grant funding also continues to be made available to a number of VCSE organisations on a longer-term basis to support strategic aims and develop capacity across the sector. This grant funded activity will cover England and Wales and where reasonably possible grant recipients will seek to provide services through the medium of the Welsh language if required. There is also a fluent (second language) Welsh speaker within the HMPPS Grants Team at HQ.

4. Implementing, monitoring and reporting

Success criteria:

- a) Policies initiatives and services are consistent with commitments made in the WLS
- b) MoJ's Welsh Coordinators Group widened and meets bi annually at least with virtual interaction from members.
- c) Arrangements in place to monitor and report on the progress by MoJ bodies, listed in Annex A, regarding their applications of the MoJ WLS.
- d) Staff have arrangements in place to monitor service providers compliance with Welsh Language arrangements contained in contract agreements.

The MoJ's Welsh Language Scheme Co-ordinator continued to have responsibility for the development and operation of the MoJ Scheme. A key aspect of the role is to ensure that our MoJ Scheme is developed and applied appropriately by the various MoJ corporate business areas. This includes the provision of advice and guidance and responding to requests for information or clarification relating to MoJ's policy and practice on the Welsh language. The MoJ Scheme Co-ordinator did not receive any formal complaints regarding the operation of the MoJ Scheme in 2019-20.

MoJ continues to operate a widened Welsh Language Coordinators Group of contacts who act as Welsh Language Co-ordinators for the full breadth of our business areas. The Group meets physically or virtually, or a mixture of both, twice a year.

The remit of the group is to:

- Focus on issues relating to delivery of our Welsh Language Scheme;
- Share examples of best practice to help raise awareness and replicate ideas;
- Provide a forum for members to discuss and resolve emerging Welsh language issues;
- Provide mutual support for MoJ's Welsh Language Co-ordinators and help inform the future direction of Welsh language policy and governance across our Executive Agencies.

Members use the group to share information and ideas to improve decision making. Where there are concerns or misunderstandings about Welsh language policy and practice, the Coordinators will pursue these for members and relevant staff in a proportionate manner to ensure satisfactory resolution.

At the January 2020 meeting, we discussed the Commission on Justice in Wales Report, recruitment of Registered Intermediaries and the MoJ Welsh language translation contract. All action points from the meeting were taken forward.

We have consistently had several new additions and changes to the group at our meetings, indicating the continuation of a gradual increase in interest in Welsh matters across MoJ. In line with MoJ best practice on meetings many delegates now call in to participate.

The Group also operates as an *ad hoc* virtual discussion forum on Welsh Language issues between meetings to share advice between relevant MoJ colleagues, especially on when translation services may be required.

MoJ also reports annually to the Welsh Language Commissioner on progress in delivering our Welsh Language Scheme commitments.



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