

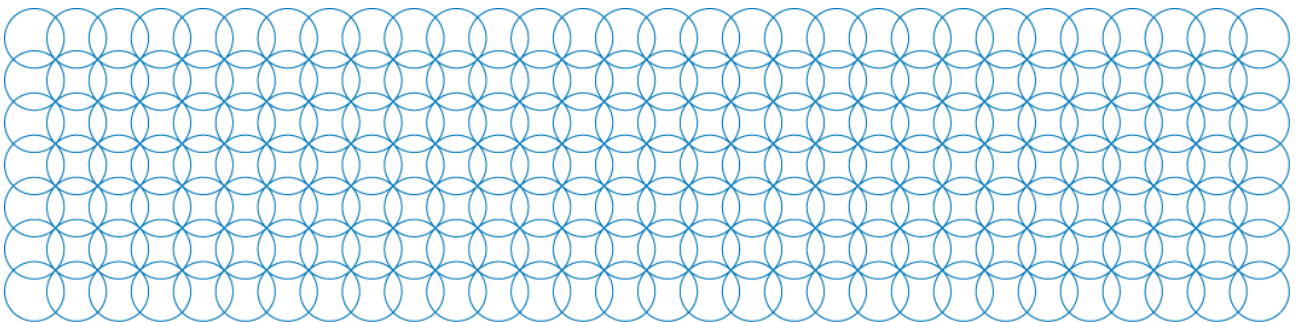


Ministry
of Justice

Welsh Language Scheme Consultation

This consultation begins on 1 March 2022

This consultation ends 8 April 2022





Ministry
of Justice

About this consultation

To:	Any stakeholder or organisation who has an interest in the use of the Welsh language in the courts and tribunals
Duration:	1/3/22 to 8/4/22
Enquiries (including requests for the paper in an alternative format) to:	Eurgain Jarvis Welsh Language Policy Officer Welsh Language Unit Caernarfon Criminal Justice Centre Llanberis Road Caernarfon Gwynedd LL55 2DF Tel: 01286 669704 Email: Eurgain.Jarvis@justice.gov.uk
How to respond:	Please send your response by 8 April 2022 to: Hywel Hughes Head of Welsh Language Services Welsh Language Unit Caernarfon Criminal Justice Centre Llanberis Road Caernarfon Gwynedd LL55 2DF Tel: 07798852898 Email: Hywel.Hughes@justice.gov.uk
Additional ways to feed in your views:	
Response paper:	A response to this consultation exercise is due to be published by May 2022 on GOV.UK.

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Foreword to Welsh Language Scheme Consultation

I was pleased to read in the Welsh Commissioner's recent annual Assurance Report that historically HMCTS have been ahead of the curve on Welsh language matters. I hope that this draft scheme maintains that position and strengthens our provision even further. As Wales continues to change it is only right for us to challenge ourselves to be better and strengthening our policy provision is one way to do that.

Being able to access our services in Welsh should not be arbitrary and like most organisations who work to a Scheme or Standards, we have room to improve. The revised Scheme seeks to address two areas that we feel we need to improve upon. First, to market our Welsh Language services better. Second, to ensure we have sufficient Welsh speakers in our key customer facing roles to meet what will be an increasing demand as the numbers of Welsh speakers grow. We have come a long way over the years, and I hope you will agree that the improvements highlighted in this revised Scheme are important evolutionary steps to improve our services.

As an important stakeholder we are extremely interested to hear from you in relation to the revised Scheme and the questions posed in this consultation. Your comments will help us to improve both the services we provide to Welsh speakers and the way we deliver them.

Kevin Sadler, Acting Chief Executive

Introduction

HMCTS is an executive agency of the Ministry of Justice and is responsible for the administration of the court and tribunals in England and Wales and for the non-devolved tribunals in Scotland and Northern Ireland.

In the administration of justice in Wales it has adopted the principle that it will treat both Welsh and English language equally. This consultation relates to the third iteration of its Welsh Language Scheme, the first of which was published in 2013 following the creation of HMCTS in 2010 (prior to this the Courts Service and the Tribunals Service had their own respective Welsh Language Schemes).

The HMCTS Welsh Language Scheme covers the work of its corporate headquarters in London, the Court and Tribunal Service Centres and the National Business Centres. In the delivery of its Welsh language services in Wales, HMCTS works closely with the Police, Crown Prosecution Service, Her Majesty's Prisons and Probation Service, the Youth Justice Service, CAF/CASS Wales, the legal professions and both the full-time and lay judiciary.

At the end of each year, HMCTS reports on its performance under the Scheme to the Welsh Commissioner and take account of the Commissioner's comments in improving its service year on year.

The amount of change to the way the courts and tribunals operate in the next few years is unprecedented, and the revised scheme needs to reflect this and provide a clear statement to Welsh speakers as to how we will treat the Welsh language equally within the way we provide our services.

Due to the fact that HMCTS already administers a Welsh Language Scheme and that the revised Scheme does not alter the principle of linguistic equality, no Impact Assessment was deemed necessary.

This consultation is being forwarded to the following individuals and organisations:

- the Senior Presiding Judges for Wales
- Family Division Liaison Judge for Wales
- the Welsh Language Liaison Judges
- the Designated Civil Judge for Wales
- the Designated Family Judge for Wales
- the Resident Judges of the Crown Court
- the Regional Tribunal Judiciary
- the Lord Chancellor's Standing Committee on the Welsh Language

- the Magistrates' Association
- Welsh Bench Chairs Forum
- HMCTS staff
- the MoJ Welsh language co-ordinators group
- justice stakeholders such as the police, police and crime commissioners, CPS, HMPPS, CAFCASS Cymru
- local authorities in Wales
- Welsh Local Government Association
- Welsh Government
- The Law Society in Wales
- Wales Bar Council
- Welsh Government's Welsh Language Unit
- Welsh Commissioner
- Cymdeithas Cyfieithwyr Cymru
- Welsh court interpreters
- HMCTS' courts and tribunals service centres

The proposals

The changes within the revised Scheme can be seen in 'pink text' within the document.

However, the main changes contained can be described as follows:

- In Section 2 'Our Focus for the Future' we are seeking to commit to a more proactive approach to how we market our Welsh language services. We are also stating that during the lifespan of this amended Scheme we will seek to upgrade the translation equipment in Swansea Crown Court to something akin to what we have in Caernarfon Justice Centre.
- Under Section 4 Service Planning and Delivery we are seeking to introduce 3 standards that relate to policy decisions, consultations on new policies and research so that we consider their effect on the use of the Welsh language. As a Crown Body we are not compelled to introduce Standards but with one eye on the future, we feel it is advisable to start thinking about Standards and policy formulation is naturally a key area that we feel is appropriate to provide a more robust approach.
- Section 5 'Our Welsh Language Provision' clarifies the role of an interpreter in court and that there should never be an expectation upon them to 'interpret' the meaning of Welsh/English legislation if the nature of the case is based on linguistic nuances in both languages.
 - This section also now includes specific reference to holding mediation hearings in Welsh and clarifies the position in relation to submitting Welsh wills in probate cases.
- Section 6 'Our Provisions for the Magistracy' has been strengthened and now makes direct reference to providing proportionate training material through the medium of Welsh.
- In Section 8 'Our provision for staff' we have introduced the criteria that has to be met by any member of staff wishing to learn Welsh voluntarily.
- In Section 10 'Staffing' we are making a commitment to conduct an annual audit of the Welsh skills of our staff in Wales.
- Section 11 'Administrative Arrangements' aligns our procurement activity to that within the MoJ Scheme as most procurement for HMCTS is undertaken by the MoJ Commercial and Contract Management Directorate.

Questionnaire

We would welcome responses to the following questions set out in this consultation paper:

1. Do you think that the Scheme is clear enough in explaining what services HMCTS will provide in Welsh to the public, staff and the magistracy?

**2. What improvements if any would you make to the Scheme?
Is there anything that we should include that makes the Scheme better equipped to deal with possible future changes to the work of the courts and tribunals?**

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 8 April 2022 to:

Hywel Hughes

Head of Welsh Language Services

Welsh Language Unit

Caernarfon Criminal Justice Centre

Llanberis Road

Caernarfon

Gwynedd

LL55 2DF

Tel: 01286 669704

Email: Hywel.Hughes@hmcts.gsi.gov.uk

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.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on GOV.UK.

Alternative format versions of this publication can be requested from welsh.language.unit.manager@justice.gov.uk.

Publication of response

A paper summarising the responses to this consultation will be available on GOV.UK.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the

information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in most circumstances, this will mean that your personal data will not be disclosed to third parties.

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>



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