



Gweinyddiaeth  
Cyfiawnder

Ministry  
of Justice

# Ministry of Justice Welsh Language Scheme

2021-22 Annual Monitoring Report  
to the Welsh Language Commissioner

February 2023



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## Introduction

This report covers the period from 1 April 2021 to 31 March 2022 and is a self-assessment of how the Ministry of Justice (MoJ) has continued to deliver its commitments under its 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.

MoJ has five Executive Agencies (EAs) responsible for the delivery of the majority of our services to the public. 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 2021-22 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 has advertised 190 staff recruitment campaigns where the Welsh Language Scheme is highlighted and in which the language requirements state that Welsh language is desirable or essential.
- HMCTS recorded 272 cases in the reporting year where Welsh was used.
- The Advisory Committees for the Magistracy have continued to encourage applications from Welsh speakers particularly across North and West Wales.
- For a third consecutive year the Registered Intermediaries Scheme successfully sustained record volumes of requests, with RIs assisting in over 7,400 cases, of which 7% were within police force areas (PFAs) in Wales. There are currently 4 Welsh speaking RIs.
- MoJ's Welsh landing page for our website can be accessed here: <https://www.gov.uk/government/organisations/ministry-of-justice.cy>

- The continued operation of a widened virtual MoJ Welsh Language Co-ordinators Group that meets biannually and covers the full breadth of MoJ's business areas.
- MoJ continues to support the Welsh Government funded Work Welsh programme which offers Welsh language courses for staff.
- In support of the success of our Welsh Impact Test for policy officials, the HMCTS Welsh Language Unit and thebigword translated 55 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.

### 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 2021-22 reporting period MoJ carried out a number of consultations in Welsh and published responses in Welsh as follows:

#### **Strategic Lawsuits Against Public Participation (SLAPPS).**

A Welsh summary of the Call for Evidence was available (March 2022) on the corporate MoJ consultation hub and mainstream GOV.UK site.

#### **Legal Aid Means Test Review**

A Welsh summary was available (March 2022) on the corporate MoJ consultation hub and mainstream GOV.UK site.

#### **Human Rights Act Reform: A Modern Bill of Rights**

The consultation was translated both as a summary and in full (December 2021) on the corporate MoJ consultation hub and mainstream GOV.UK site.

#### **Delivering justice for Victims: a consultation on improving victims' experiences of the justice system**

The consultation was translated in full (December 2021) on the corporate MoJ consultation hub and mainstream GOV.UK site.

#### **Outdoor marriages and civil partnerships**

The consultation was translated in full (December 2021) on the corporate MoJ consultation hub and mainstream GOV.UK site.

An executive summary and Annex A: Summary of **The Government's response to the Independent Review of Legal Aid Criminal (CLAIR)** was available in Welsh (December 2021) on the corporate MoJ consultation hub and mainstream GOV.UK site.

### **Mental capacity Act: Small Payments Scheme**

The consultation was translated in full (November 2021) on the corporate MoJ consultation hub and mainstream GOV.UK site.

### **Dispute resolution in England and Wales: Call for Evidence**

This Call for Evidence was translated in full (August 2021) on the corporate MoJ consultation hub and mainstream GOV.UK site.

### **Modernising Lasting Powers of Attorney**

The consultation was translated in full (July 2021) on the corporate MoJ consultation hub and mainstream GOV.UK site.

## **Welsh language in the MoJ family: St David's Day, 1<sup>st</sup> March 2022**

To celebrate St David's Day the corporate MoJ Welsh Language Coordinators held an online event across the MoJ family. It was well attended and included different Welsh language aspects from our Executive Agencies with speakers from MoJ, HMCTS and HMPPS. The event generated much interest and included interesting facts about the Welsh language being a Brythonic language of British Celtic origin; having been spoken in Britain long before the Roman occupation; and that Welsh dialects include Patagonian following the emigration to Argentina in the 1850s where there are 5000 Welsh speakers today.

### **Welsh Language speakers**

As previously reported, 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.

At the very end of the period of this report we started internal MoJ discussions on how best to capture the Welsh speaking skills of our staff. We will continue and report back on this work in our next Annual Monitoring Report.

We also promote the Civil Service Welsh Network. For more information, contact [cslocalcymruwales@cabinetoffice.gov.uk](mailto:cslocalcymruwales@cabinetoffice.gov.uk) It recognises that meeting of the Welsh Government's target of 1M speakers by 2050 can usefully include renewing the association between Welsh language and the workplace.

## **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.*

We have advertised 190 campaigns where the Welsh Language Scheme is mentioned and in which the language requirements state that Welsh language is desirable or essential. There have been 411 posts filled within these campaigns where the Welsh language is desirable or essential. We have appointed 55 Welsh speakers to posts 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 272 cases where Welsh was used. The total is broken down as follows: Crown Courts 8, no appearance at Magistrates Court 135, appeared at Magistrates' Courts 41, County Courts 86, Tribunals 2, Appeals Court 0.

## The judiciary

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

The following selection exercise identified vacancies in Wales that had an essential Welsh language requirement in addition to testing the candidates' understanding of the administration of justice in Wales:

- **Deputy District Judge:** Welsh language was an essential requirement for one post in the selection exercise for Deputy District Judge. The national exercise launched on 14 April 2020 with 150 vacancies across England and Wales. 136 candidates were recommended, with no candidates recommended as suitable for appointment for the Welsh speaking post.
- **Recorder:** Welsh language was an essential requirement for three posts in the selection exercise for Recorder. The national exercise launched on 2 September 2020 with 164 vacancies across England and Wales. 164 candidates were recommended with 16 candidates recommended as suitable for posts in Wales and one candidate recommended as suitable for appointment for the essential Welsh language post.
- **District Judge:** Welsh language was an essential requirement for one post in the selection exercise for District Judge. The national exercise launched on 23 September 2020 with 106 vacancies across England and Wales. 57 candidates were recommended overall with seven candidates recommended as suitable for posts in Wales. Deployment of candidates is a decision for the local judiciary.

The following selection exercises identified vacancies in Wales that did not have a Welsh language requirement but tested candidates' understanding of the administration of justice in Wales:

- **Fee-Paid Legal Members of the Mental Health Review Tribunal of Wales:** The exercise for Fee-Paid Legal Members of the Mental Health Tribunal of Wales launched on 20 February 2020 with 20 vacancies. All candidates were assessed on their understanding of the administration of justice in Wales. 19 candidates were recommended as suitable for appointment to posts in Wales.

- **Senior Circuit Judge, Resident Judge (Cardiff):** The exercise for Senior Circuit Judge, Resident Judge (Cardiff) launched on 22 June 2021 with one vacancy. All candidates were assessed on their understanding of the administration of justice in Wales. One candidate was recommended as suitable for appointment to posts in Wales.
- **Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunals (England and Wales):** The exercise for Fee-paid Judge of the First-tier Tribunal and Fee-paid Judge of the Employment Tribunals (England and Wales) launched on 14 April 2020 with 374 vacancies. Those candidates who were interested in a Welsh post were assessed on their understanding of the administration of justice in Wales. Overall, 207 candidates were recommended for appointment to the office of Fee-paid Judges of the First-tier Tribunal, with 25 candidates recommended as suitable for appointment to posts in Wales. 167 candidates were recommended for appointment to the office of Fee-paid Judge of the Employment Tribunal (England and Wales), with 18 candidates recommended as suitable for appointment to posts in Wales.
- **Deputy District Judge (Magistrates Court):** The exercise for Deputy District Judge launched on 2 March 2021 with 55 vacancies across England and Wales. Those candidates who were interested in a Welsh post were assessed on their understanding of the administration of justice in Wales. 55 candidates were recommended, with 3 candidates recommended as suitable for appointment to posts in Wales.
- **Circuit Judge:** The exercise for Circuit Judge launched on 17 May 2021 with 78 vacancies across England and Wales. Those candidates who were interested in a Welsh post were assessed on their understanding of the administration of justice in Wales. 62 candidates were recommended, with nine candidates recommended as suitable for appointment to posts in Wales.

N.B. Although selection exercises typically started prior to the reporting year, the outcome of the exercises were reported to Judicial Office during the reporting year. This mirrors the approach followed in the Judicial Appointments Commission Annual Report.

## Judicial College

In December 2021, the Judicial College published its strategy for 2021-25 which sets the ambition for the College over the next four years. The Wales Training Committee (WTC) has a key role in progressing the College's strategic objectives insofar as they relate to the training of judges sitting in Wales and the progression of training in support of Welsh language use within the justice system. WTC members from both Courts and Tribunal Jurisdictions also hold seats on the Cross Operational Welsh Language Group, which feeds into the Lord Chancellor's Standing Committee for the Welsh Language (SCOWL). SCOWL has the remit of improving the Welsh skills of justice sector practitioners and coordinating how language choices are recorded and transferred from one agency to another. These activities are aligned with the Welsh Government policy on one million Welsh speakers by 2050 including an anticipated increasing demand for Welsh services within the justice sector.

Mr Justice Griffiths has chaired the Wales Training Committee since his appointment in February 2021. He is also the Chair of the Lord Chancellor's Standing Committee for the Welsh Language, and the Presiding Judge of Wales.

In May 2021, the Lord Chief Justice appeared before the Constitution Committee, where he endorsed the Wales Training Committee. Within this address he noted that the Committee deals

with all matters of Welsh law in two strands: training in the law which is different in Wales and training to improve confidence in the use of the Welsh language in court.

The first 2022 Judicial College Wales e-letter was published in February in both Welsh and English languages, with the content identical in both languages. It was circulated to members of the judiciary in electronic format, providing summaries on relevant changes to Wales laws within criminal and housing. The letter also featured articles from guest Judiciary contributors on sitting in Wales during the pandemic and on Welsh legal history.

This year, a key responsibility of the Committee has been to prepare for implementation of the Renting Homes Act (Wales) 2016, in the development of training materials to upskill the Judiciary hearing these cases once the Act which will soon come into effect. Materials have been prepared for a blended learning package which includes podcasts, videos and other reference materials available to judicial office holders in both Welsh and English languages.

The Welsh Language Seminar is a Judicial College event run on a bi-annual basis to support judges in their confidence to conduct hearings in the Welsh language. This event gives effect to the Welsh Language Act 1993 (Section 5) to support the Judiciary sitting in Wales to communicate through the medium of English or Welsh, according to their personal choice. The one-day event took place at Llandudno, North Wales, on 4 March 2022 and was attended by a wide range of judicial office holders from both the Courts and the Tribunals. The aims were to provide guidance and expert tuition in improving and enhancing the Judiciary's experience of making formal pronouncements and judgments and interacting with all court users in Welsh. The seminar also aimed to increase awareness of the impact of Welsh Government legislation on the day-to-day work of judicial office holders sitting in Wales and raise awareness of how and where developments in Welsh legislation can be accessed.

A key intention was to provide judicial office holders in Wales with an opportunity to discuss and share their experiences and best practice when conducting trials and hearings in Welsh and promote awareness of recent changes in the relevant Court and Tribunal Rules pertaining to the use of Welsh in proceedings, including conducting hearings remotely. The 2022 seminar was unique as in addition to sessions being conducted for Welsh-speaking judges who are able to conduct cases in Welsh, it also had a separate group of judges in attendance who hold leadership roles or sit in areas where there is likely to be a greater demand for the use of Welsh. A presentation on the range of digital resources available to the Judiciary to support the use of Welsh within judging and a talk on the effect of choice of language on fairness and authenticity also took place at the seminar. The College will host the next event due to take in the 2023-2024 training year.

A submission on behalf of the Wales Training Committee to the Chair of the Tribunals Journal saw an entry within the March 2022 edition of the journal. The submission was in respect of a request for Welsh speakers not working in Wales to identify themselves. The data base of responses will be managed by the Welsh Language Unit. Additionally, in March HMCTS coordinated and the College promoted Welsh language Training for magistrates and legal advisers which provided support to 100 delegates in the use of Welsh within the justice system.

### **Advisory Committees and appointments to the Magistracy**

This update seeks to outline the current percentage of Welsh speaking magistrates and steps taken to address any developing pattern. Unfortunately, there has been a developing trend of a reduction in applications to be magistrates from Welsh speakers. At the same time the number of applications to join the magistracy has remained constant, so there is not within Wales a shortage of magistrates. This has impacted on the overall percentage of Welsh speaking Magistrates.



#### Percentage of Welsh speakers November 2021

Montgomeryshire	8%
Ceredigion & Pembrokeshire	9%
Carmarthenshire	43%
Central N Wales	14%
North West Wales	64%
North East Wales	12%
Cardiff	3%
Mid Wales	4%
Gwent	5%
West Glamorgan	4%

The Lord Chancellor's Advisory committee has continued to encourage applications from Welsh speakers, particularly across North and West Wales. This has been via local initiatives such as virtual open evenings and presentations by magistrates. Members of the Lord Chancellor's Standing Committee for the Welsh Language (SCOWL) have been involved in engagements with the local media.

In April 2022 5 Welsh speaking magistrates were appointed (4 Crime, 1 Family). There were Welsh speaking applications waiting for approval by the Senior Presiding Judge for 2022/23 (2 Crime, 2 Family). Under the Mandatory Retirement Age process 1 Welsh speaking Magistrate has been recommended for re-appointment.

The advisory committee has been working with the Judicial Office in the development of new marketing material including handouts and posters in Welsh. The committee is involved in the ongoing creation of the new online application process which is available in Welsh.

[https://magistrates.judiciary.uk/cymraeg/?sType=magistrates\\_website](https://magistrates.judiciary.uk/cymraeg/?sType=magistrates_website)

The advisory committee worked in partnership with the Judicial Office to develop a press notice specifically targeted for Welsh speaking applicants for the next campaign. The next recruitment campaign in Wales was launched on 1 October 2022 in line with the national campaign and ended on 31 October 2022.

The Wales advisory committee are currently recruiting for non-magistrate members - i.e. members of the public who interview applicants to the magistracy. For further information please contact [HMCTSWalesAdvisory@justice.gov.uk](mailto:HMCTSWalesAdvisory@justice.gov.uk)

#### **Registered Intermediaries**

Throughout 2021-22, the Witness Intermediary Scheme (WIS) continued to meet rising demand for Registered Intermediaries (RIs). For a third consecutive year the scheme successfully sustained record volumes of requests, with RIs assisting in over 7,400 cases, of which 7% were within police force areas (PFAs) in Wales.

Welsh-speaking RIs continue to operate across every Welsh PFA. There are currently 4 Welsh-speaking RIs (with 1 new Welsh-speaking RI appointed in July 2021), and 52 RIs that accept cases in Wales. Demand for RIs in Wales is routinely monitored and the Ministry of Justice (MoJ) has taken action to ensure specific requests for Welsh-speaking RIs are recorded and that data on Welsh-speaking RI usage is available on request.

The WIS received 519 RI requests for Welsh PFAs in 2021/22, with 496 (96%) of these requests successfully matched. 11 (2%) requests were not matched and 12 (2%) were cancelled. 3 requests were made specifically for Welsh-speaking RIs, 1 of these requests was cancelled by the Crown



Prosecution Service (due to the RI not being required), and the remaining 2 were successfully matched to Welsh-speaking RIs.

The MoJ's WIS recruitment strategy continues to target regions where evidence shows RIs are needed most. Welsh-language skills are taken into consideration and we are committed to ensuring the needs of Welsh-speaking victims and witnesses are met.

### 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 2021-2022, the MoJ's Ministerial Correspondence and Support Team received no correspondence in Welsh, either online or in hard copy. 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 criterion:**

*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 mailboxes. 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 criterion:**

*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 criterion:**

*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 business areas that require Welsh translation are directed to the HMCTS Welsh Language Unit or [thebigword](#) by MoJ's central design team – design102. The MoJ brand guidelines provide advice on using the Welsh and bilingual 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.

## HMCTS Welsh Language Unit

The HMCTS Welsh Language Unit (WLU) undertakes the majority of our corporate translations. From 1 April 2021 to 31 March 2022 the WLU and [thebigword](#) translated 55 corporate documents for MoJ HQ at a cost of £22,153.

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

### **Success criterion:**

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

HMCTS owns a lot of MoJ content on GOV.UK. HMCTS translates everything that is relevant to Wales or the Welsh language, for example news, blogs and guidance or publications where there is a user need.

HMCTS press releases translated into Welsh included:

**“HMCTS launches Welsh Language scheme consultation”** (1 March 2022):

HMCTS launched a new consultation to review their Welsh Language Scheme, which was open for views until 8 April 2022.

MoJ press releases translated into Welsh included:

**“Ministry of Justice to move 500 jobs to Wales”** (9 February 2022)

This announced that around 500 Ministry of Justice jobs are moving to Wales as part of the Places for Growth programme, helping to level up communities across the UK.

## 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 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.

We have made a change recently in how we manage translated publications on GOV.UK – this has meant that we upload translations in a different way, making them more accessible and easier to find. In short, instead of adding a Welsh document to an English page of content, the Welsh version will have its own page. Here are some examples showing a full Welsh version of the page with both the English and Welsh documents on it. Previously this functionality was only available on a small number of templates. but it is now available on publications.

Examples of publications available in Welsh include:

Youth Court Preparation for Effective Trial (PET) form and guidance notes (June 2021)  
[Preparation for trial in a magistrates’ court - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/youth-court-preparation-for-effective-trial)

Legal support for litigants in person mid-grant report (January 2022)  
[Adroddiad canol y grant Cymorth Cyfreithiol ar gyfer Ymglyfreithwyr Drostynt eu Hunain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/legal-support-for-litigants-in-person)

We also have Welsh language branding on stationery, reports, logos and electronic communications to be used as required.

MoJ Technology takes the following position on the use of the Welsh language:

- 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 is 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 the MoJ 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 criterion:**

*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'.

### **Community Accommodation Services Tier 2**

The service is for people released on bail and offenders released from custody who meet the necessary eligibility criteria, including but not limited to those released on Home Detention Curfew (HDC) and Additional License Cohort (ALC).

The Welsh Language Scheme requirements are incorporated within the terms and conditions of the contract and the Provider is responsible for promoting the services in Welsh or English to the CAS2 residents.

### **Engaging People on Probation (EPOP)**

The Probation Service is looking for a provider to build the capability, opportunity and motivation of probation service personnel to engage more widely with people on probation, to enable people on probation to influence and be more involved in service design, development, delivery and review. The Provider will not be responsible for delivering direct engagement sessions with people on probation, as probation Service Personnel will take over primary responsibility for this in the new contract.

The Specification requires the supplier to produce an EPOP Action Plan for each Probation Service region, including Wales. This does not necessarily mean the supplier will provide services in Wales as it may not be deemed necessary depending on the actions agreed between the provider and the Wales Probation Service during Implementation, however the following requirement has been included in the specification to ensure the Welsh Language Scheme 2018 is complied with where appropriate.

If and when direct engagement with people on probation takes place, the provider must:

1. Engage in a language or format each individual is able to understand.
2. Where the Services are to be delivered in Wales, they must be delivered in accordance with the Welsh Language Scheme 2018 and Welsh Language Act 1993 for service delivery in Wales.

### **Autism Services for Swansea, Neath, Port Talbot Probation Delivery Unit in Wales**

The provider is expected to deliver interventions to people on probation that meet the specific needs of those living with an Autistic Spectrum Condition including using Welsh where the person wishes to engage with the probation service in Welsh.

**Procurement Instruction Notice PIN No: 04/2014** is issued as part of the MoJ Invitation to Tender documentation. We include the following general requirement in the specification.

“The Provider must deliver the Services in a language or format the people on probation are able to understand. Where the Call-Off Competition stipulates that the Services are to be delivered in Wales, deliver all instructions to report in Welsh in accordance with the MoJ Welsh Language Scheme 2018 and Welsh Language Act 1993 for service delivery in Wales and ensure that the service itself can be made available in Welsh”.

### **HMCTS Appointed Intermediary Services**

The HMCTS Appointed Intermediary Services framework agreements provide communication specialists who work on behalf of HMCTS to support people participating in a court or tribunal hearing. Intermediaries provide impartial recommendations to HMCTS about a person’s specific communication needs and outline the steps needed to achieve them. Intermediaries can then support the person at a court or tribunal hearing, or at conferences to prepare for a hearing. The intermediary services framework agreements contain the MoJ standard clauses that require suppliers to comply with the Welsh Language Act 1993 and the Welsh Language Scheme ‘as if they were the Authority’. Due to the nature of the services and the limited supply market, suppliers can reject service requests that fall outside of their areas of expertise or current capacity or capability.

The Approved Service Provider framework includes 2 Welsh speaking self-employed intermediaries who specialise in providing support to vulnerable court and tribunal users in Wales. HMCTS intends to work with its service providers throughout this initial framework term to increase intermediary capacity, including the availability of Welsh speaking intermediaries. The introduction of formal contracts will ensure that HMCTS has access to sufficient data to measure the demand for these services, and our success in meeting that demand.

## **Allocation of grants**

### **Success criterion:**

*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 application, 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 has established a challenge function, the Grants Challenge Panel. The Grants Challenge Panel is an integral part of grants governance and financial decision making and has been adopted by the Cabinet Office as best practice.

The HMPPS and the Victim & Witness Commissioning and Implementation Unit oversee the process to allocate grants in their respective areas, including the overall sum on offer and aligning the grants to MoJ’s strategic priorities. Competitions are run via the ‘Jaggaer’ E-tendering System, which can be accessed by any supplier who is registered. HMPPS competitions are also advertised with Clinks.

To help inform prospective bidders, the description document that accompanies each advertisement outlines whether and when Welsh Language Act considerations apply. When awarded, and if appropriate, the grant recipient will be made aware of 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 2021-22, the HMPPS grants budget of £5.3m has been used to support the continuation of strategic grants and 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.

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. The programme identified sixteen new projects, which were originally due to commence on 1 April 2020 but were deferred due to the Covid-19 pandemic. All have now started, with some changes according to Covid-19 restrictions. Of the sixteen awards, there are no projects specifically operating in HMPPS locations in Wales, although grant recipients were made aware of the requirements of the Welsh Language Scheme where appropriate.

Grant funding 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 covers England and Wales and, where reasonably possible, grant recipients will seek to provide services through the use of the Welsh language where required. There is also a fluent (second language) Welsh speaker within the HMPPS Grants Team.

For 2021-22, the Victim and Witness Commissioning and Implementation Unit awarded grants of £7.66m to recipients in Wales, to deliver support services for victims of crime. This includes emergency funding provided in response to Covid-19 and increased demand for victim support services.

#### **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 biannually 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 the 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 in relation to the Welsh language. The MoJ Scheme Co-ordinator did not receive any formal complaints regarding the operation of the MoJ Scheme in 2021-22.

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



The remit of the group is to:

- Focus on issues relating to delivery of MoJ's 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 October 2021 meeting, we discussed Welsh language fluency across the MoJ.

At the March 2022 meeting, we reviewed the St David's Day event (highlighted above), where we celebrated the Welsh language across the MoJ family. We also discussed a Welsh language fluency question for SOP (the MoJ's online hub for human resources) with guests from the Human Resources team.

We have 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 smarter working, delegates have used video conferencing on Teams 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.



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