

legal services

COMMISSION



Welsh Language Scheme

Annual Report

September 2008

1. Introduction

- 1.1 This is the second report to the Welsh Language Board on the operation of the Legal Services Commission's Welsh Language Scheme. The scheme was approved in March 2006 and formally launched on the 13th July 2006. It encompasses our commitment to the Welsh language when providing services to the public in Wales and promotes the principle of treating the English and Welsh languages on the basis of equality. This report focuses on the activities undertaken in the period March 2007 to March 2008 to comply with our Scheme.
- 1.2 The Legal Services Commission is a non-departmental public body accountable to the Ministry of Justice. We are responsible for administering the legal aid budget within England and Wales and ensuring that the vulnerable and socially excluded have access to justice through funding legal and advice services across England and Wales. The administration of legal aid in Wales is conducted at our offices based in Cardiff and Chester.

2. Monitoring Process

- 2.1 An appointed Welsh Language Officer based in our office in Cardiff is responsible for the day-to-day monitoring of progress against our Scheme. In addition, quarterly meetings are held with the Welsh Language Board where progress is routinely discussed on an informal basis with a formal report being submitted to them annually covering the following areas:

- Service Planning and Service Delivery
- Dealing with the public in Wales
- The Organisation's Corporate Identity
- Publicity
- Recruitment and Staffing
- Implementing and Monitoring the Scheme

3. Service Planning and Delivery

- 3.1 Referrals to the Welsh Language Officer have continued to be made on a regular basis with regards to new initiatives, planning and policy during the period under review. Furthermore, quarterly meetings have been set up with personnel responsible for new initiatives in order to discuss our Welsh Language Scheme criteria. These meetings include all key stakeholders within the Commission specifically heads of department and project leaders and ensures that the requirements of the scheme are considered on a regular basis. In addition, the Commission is obliged to undertake an Impact Assessment for any new procedure that is implemented and Welsh language requirements have been factored into the Impact Assessment training scheduled for June 2008 to create a robust system.
- 3.2 During April 2007-March 2008 the Commission introduced a Defence Solicitor Call Centre (DSCC) that the police will contact where a detainee has requested face-to-face legal representation at the police station. These calls are now routed through a single call centre and the provision of a Welsh language

service has been incorporated into this process. The police will indicate to the DSCC whether the client has requested representation from a solicitor through the medium of Welsh and the call centre has been provided with a list of Welsh speaking solicitors that the Commission has collated who can be deployed to the police station. Where the matter relates to an offence whereby telephone advice is provided rather than a representative attending the police station (this applies to less serious offences specified by regulations which apply to both English and Welsh cases) a panel of Welsh speaking solicitors has also been set up by the Commission to provide this service and the call centre will contact a member of that panel.

- 3.3 In relation to civil legal aid, the Community Legal Advice service already provides telephone advice to callers through the medium of Welsh. They are also in the process of launching a pilot to provide face-to-face family advice to clients where the matter cannot be dealt with on the telephone. To ensure that a Welsh-speaking solicitor can be deployed when required, we have compiled a database of Welsh speaking solicitors which we are in the process of verifying. This will feed into the pilot and ensure that a Welsh speaking provider will be available where the client requires this.
- 3.4 A Ministry of Justice partnership meeting is being set up to promote cross business working. This will include the Legal Services Commission's Wales Director and representatives from Her Majesty's Court Service (HMCS) and the National Offender Management Service (NOMS) amongst others. Welsh language provision will be high on the agenda and steps have already been taken to promote cross business working. For example, we are already working with HMCS to provide joint Welsh language training for staff.
- 3.5 During the period under review, the Welsh caseworker recruited in July 2006 left the Commission but was replaced in November 2007 with a two-month cross over period between the two staff. This ensured a continuity of service while the new member of staff received training in the role.

4. DEALING WITH THE PUBLIC IN WALES

4.1 Forms

- 4.1.1 Since the last report, all civil and crime legal aid application forms requiring completion by the client have been translated and are available on the Wales local pages of the Commission's website. Firms can also order a stock of paper copies of certain crime forms (CDS 14,15 and 16) and bilingual versions of these forms are available. The forms are updated every April and October and are simultaneously translated into Welsh and made available via the appropriate means.
- 4.1.2 Difficulties were previously experienced with this process in relation to the crime forms as they were being dealt with by a separate department to that which deals with the civil forms. Due to changes in personnel the person updating these particular forms in October 2007 was not aware of the need to

provide simultaneous updates to the Welsh version. The forms were therefore not available in Welsh until December 2007. Steps have since been taken to transfer responsibility for both sets of these forms to one department and in the April 2007 update both English and Welsh versions of the forms were available at the same time. It is anticipated that future updates (generally in April and October) will continue to be available simultaneously and the Welsh language officer will continue to closely monitor this.

4.1.3 Crime applications are submitted by solicitors directly to the relevant magistrates court who adjudicate these applications. It is therefore not possible for the Commission to report on the number of cases submitted in Welsh in this area.

4.1.4 During the period, no civil applications in Welsh have been received however further work will be undertaken during the next twelve months to consider how the Welsh services available can be promoted.

4.2 Correspondence

4.2.1 During the last twelve months, one item of Welsh correspondence has been received and was responded to on the same day. This therefore met the 5-day target for dealing with correspondence which applies to all incoming correspondence.

4.2.2 No Welsh emails have been received to our general email during the period under review. Any emails received in Welsh direct to an individual's specific email address have been responded to within the 5-day target either by way of a substantive response or with an automatic reply where they are unavailable indicating when they will return and of any alternative contact arrangements. Emails through the medium of Welsh are not routinely recorded at present and steps will be taken to include these for future reference.

4.2.3 As stated above, further work to promote this facility will be undertaken during the next period.

4.3 Telephone Calls

4.3.1 A dedicated Welsh language line based in the Wales office is available between 9.00a.m. and 5.00p.m. for callers wishing to conduct their business through the medium of Welsh. The volume of calls received during the last twelve months can be found at Annex A.

4.3.2 During May 2007 the English duty line transferred to the Bristol office. Previously when the calls were dealt with in Cardiff a recorded message on the English line advertised the availability of a Welsh service. During May to August 2007 this message was not on the new telephone number operated by Bristol and it is considered that this contributed to the reduction in the number of calls to the Welsh language line. We identified this issue and advised the Bristol office to rerecord their initial message to include a reference to the availability of a Welsh telephone service. Since the message has been

amended telephone call take up has significantly increased. During the twelve months under review the average calls received per month is 16. However discounting the period that the Welsh line was not advertised the remaining seven months average is 22 calls per month.

4.3.3 Positive feedback has been received from providers regarding the Welsh language line. They indicated that they receive a better service using this line as there is generally no queue and they welcomed the provision of this service.

4.3.4 Analysis of the calls received to date indicates that the majority of our calls are received from solicitors as opposed to members of the public receiving legal aid. We will continue to promote the use of this service at appropriate opportunities, for example by inclusion on the Cymorth.com and Welsh Language Board's websites.

4.4 Public Meetings

4.4.1 Our Communications Manager ensures that where meetings are being arranged which the public are due to attend, translation facilities are made available. During the last twelve months a Citizen Engagement Meeting was held by the Wales Committee for the CLS involving members of the public during which translation services were provided and utilised.

4.5 Personal Attendances

4.5.1 Our reception area continues to contain bilingual materials such as posters and leaflets. Callers to the office are also notified via our reception instructions (we no longer have a dedicated receptionist) who to contact specifically to conduct their attendance in Welsh. We also advertise the Welsh Language Board's promotional poster highlighting the availability of Welsh services in the justice sector.

5. THE ORGANISATION'S CORPORATE IDENTITY

5.1 The majority of this work was undertaken during the initial set up period immediately following the launch of the scheme. Since then, any materials produced by the Wales office are bilingual and bear both English and Welsh Legal Services Commission logos.

6. PUBLICITY

6.1 Publications

6.1.1 All public documents originating in Wales continue to be published bilingually and in one document where practical. For example, during this period the Wales policy team published a bilingual policy document in conjunction with the Welsh Assembly Government entitled "Making Legal Rights a Reality in Wales" which has been made widely available on our website.

6.1.2 Minutes and reports produced following Wales Committee for the CLS meetings and events are also made available bilingually on our website.

6.1.3 Where budget has allowed, we have also translated documents that are not aimed specifically at the public. For example, a letter was sent to organisations in February 2008 regarding the withdrawal of some Quality Mark standards, which was published bilingually to providers in Wales.

6.1.4 The central Communications team are involved in the quarterly meetings mentioned at paragraph 3.1 and it is anticipated that this will continue to raise the profile of providing bilingual publications.

6.2 Internet Websites

6.2.1 During the last twelve months the Legal Services Commission has made significant changes to the Legal Services Commission and CLS Direct websites. The former has fully translated Wales pages which involved substantial translation work by our Communications Manager. The latter has been rebranded and is now called "Community Legal Advice" which also involved significant work. Further work is still required to the latter site specifically in relation to parts which still appear in English on the Welsh pages. Correspondence and a meeting between Community Legal Advice, Legal Services Commission staff and the Welsh Language Board has taken place with regard to progressing this and an action plan is being produced to address the areas of concern.

6.2.2 Further work will be considered as part of the quarterly meetings with project leaders and heads of department.

6.3 Press Notices and Advertising

6.3.1 Since the implementation of the scheme, all externally advertised jobs have been published bilingually. We have also taken out a half page bilingual advert for Community Legal Advice which has been placed in every regional version of the Yellow Pages that is issued in Wales. Furthermore, Welsh and English banners have been produced and placed in the communal reception area of our building, promoting Community Legal Advice as there are a number of other organisations within our building whose clients would be eligible for the services that Community Legal Advice provide. In addition, information packs which are sent to organisations that promote the Community Legal Advice service have also been produced bilingually during the period. These packs include a fact sheet about the service, definitions of the categories of law available, information sheets that can be ordered, posters and an order form - all of which are bilingual.

7. RECRUITMENT AND STAFFING

7.1 Welsh lessons have continued in the office and there are currently 16 members of staff undertaking these. This is in excess of a quarter of the total staff employed by the Commission in Cardiff. Two members of staff have young children who attend a Welsh medium primary school and they therefore find these lessons very useful for conversing with their children and assisting them with their education. A third member of staff has undertaken an external Welsh course following the provision of the lessons provided in work. Staff are also actively encouraged to converse in Welsh by the tutor at every opportunity such as at St David's Day celebrations where a selection of Welsh produce, conversation and culture was provided. Fluent Welsh language speakers within the office regularly converse with each other in Welsh and this is also actively encouraged by the Commission. Furthermore, Welsh speaking staff have been provided with the Cysgeir and Cysill programmes to assist with producing Welsh documentation.

7.2 In relation to our Welsh Language Recruitment and Training Linguistics Strategy (a copy of which is contained in Annex B), the essential roles referred to all have Welsh speaking staff in place. There is currently only one full time member of the Business Delivery team who is a fluent Welsh speaker, however, cover for this role can be provided by other Welsh speakers when required. We are also currently recruiting an additional Welsh caseworker to further boost our Welsh language service. With regards to the desirable roles, there are currently two relationship managers who are Welsh speaking and a third who would be able to carry out the role if required. With the exception of the Wales Director position, the existing Relationship Managers could also cover the other roles if required. Members of staff who currently undertake the Contracting auditor and appeals clerk roles are participating in Welsh lessons within the office.

7.3 As mentioned at paragraph 3.5, a new Welsh language caseworker has been appointed with no transition issues.

8. IMPLEMENTING AND MONITORING THE SCHEME

8.1 The implementation and monitoring of the Scheme continues to be undertaken by an appointed Welsh Language Officer on a regular basis.

8.2 During the last twelve months only three complaints have been received. These are as follows:

- A new member of staff based in the Liverpool office was not aware that where a solicitor's file contains documentation in Welsh, we would bear the cost of any translation for the purpose of assessing the work that has been undertaken. This was resolved satisfactorily within the complaints time standard and further training has been provided to staff in Liverpool.

- A complaint was received from a solicitor regarding the delay in the provision of bilingual crime means assessment forms following the October 2007 update. Please see paragraph 4.1 relating to Forms. This has since been resolved.
- Lastly, a complaint was received via the Welsh Language Board regarding the Community Legal Advice website Welsh pages which contained elements of English text. An action plan that has been agreed with the Welsh Language Board is in place to resolve the technical issues concerned.

8.3 The Commission has taken each of these very seriously and amended and improved our processes in order to address the issues.

9. SUMMARY

We have continued to make good progress during the last twelve months. We will strive to make further progress during the next twelve months and will seek to challenge ourselves further with the introduction of an amended scheme in March 2009 which we will draw up in conjunction with any amendments to the Welsh Language Act if appropriate at that time. A list of actions that we intend to undertake in 2008/2009 can be found at Annex C. We also recognise that there is work that we can do to publicise the availability of a Welsh language service to the public and every effort will be made to undertake this.

Annex A

Telephone Calls Received April 07-March 08

Month	Number of calls
April	10
May	12
June	5
July	3
August	2
September	20
October	27
November	35
December	24
January	14
February	19
March	17
Total	188

ANNEX B

Welsh Language Recruitment and Training Linguistics Strategy

This document looks at the agreed commitment to the Welsh Language Act in terms of our recruitment and training linguistics practices for roles within the Legal Services Commission – Wales.

Recruitment

Within the Legal Services Commission – Wales there are a number of roles for which being able to speak fluent Welsh will be essential, desirable or non-essential.

When recruiting for these roles this will be made clear in all recruitment advertising and will be assessed as part of the selection process. This will not impact in any way on our commitment to equal opportunities as stated in the Equal Opportunity Employment Policy.

A list of job roles and whether the ability to speak fluent Welsh is essential, desirable or non-essential can be found in Appendix 1.

Training

Where there is a requirement to speak fluent Welsh this will be fully supported through training and development, tailored to the needs of the individuals concerned.

Training offered will be in three categories:

Category 1: Current Welsh speakers

Any staff that already speak Welsh will have the opportunity to participate in refresher training and training in 'Business Welsh'.

Category 2: Staff with basic linguistic ability

Staff who have GCSE equivalent in Welsh and want to learn as part of their role (business need established) will have the opportunity to participate in structured and informal training in Welsh followed by Business Welsh.

Category 3: All others interested

Any other staff interested in learning can utilise the self learning resources provided in the Learning Zone. Where time will be spent during working hours on this development, agreement and business benefit would need to be established in advance.

Training Provision

Training will be provided on site by external teachers and will be supported with informal learning group sessions where groups of Welsh learners can meet to practice their Welsh language skills over coffee, lunch etc. This can be self-facilitated or where agreed facilitated by a fluent Welsh speaker or external teacher, within budgetary constraints.

We will provide financial support for members of staff for whom Welsh Language is an essential requirement. In all cases a cost benefit analysis will be carried out. Support materials will also be purchased to aid development of language skills.

Informal training sessions for staff in the Wales office who wish to learn or improve their existing skills will be available by arrangement through the Human Resources Manager.

Members of staff will need to seek agreement from line managers to attend Welsh lessons where a business need is determined.

Appendix 1

Essential Welsh Speaking Roles

- Communications Manager
- Welsh Language Officer
- 1/2 Business Delivery Caseworkers
- 1 Appeals Clerk

Desirable Welsh Speaking Roles

- Wales Director
- Wales Policy Officer
- 1/2 Relationship Managers
- 1/2 Contracting Auditors
- 1 Appeals Clerk

Non-Essential for Roles

- Human Resources Manager
- Business Support Analyst
- Business Delivery Support Team
- Office Support Team

ANNEX C

ACTIONS FOR 2008/2009

Action	Success Criteria	Completion Date	Person Responsible	Quarterly Update (RAG)
Renewal of the Welsh Language Scheme for March 2009	An updated scheme agreed with the Welsh Language Board published in March 2009	March 2009	Rhian Davies (RD)/Paul Davies	Review with WLB Sep 08 and agree actions to ensure a new scheme will be ready in March 09 when our existing scheme expires
Quarterly meetings held with key stakeholders	Welsh language scheme requirements are considered by project leaders and heads of department within the Commission on a regular basis. Appropriate actions are taken to comply with the scheme when new projects and initiatives are implemented.	Ongoing	RD	
Quarterly meetings with	To discuss any amendments	Ongoing	RD	

the Welsh Language Board	and improvements to performance. To agree content of an amended scheme for March 2009. Implications of any future changes which could impact on the scheme (e.g. a new Welsh Language Act). Feed back any information to key stakeholders as appropriate.			
Quarterly updates for intranet/internet	Promote Welsh language services available to staff and members of the public.	Ongoing	RD	
Mail merge to providers in Wales regarding services available	Raise awareness of the services available. Increase take up of services.	July 2008 – north and West Sep 09 to south and mid	RD	
Continue work on web sites to ensure fully bilingual	Fully bilingual websites compliant with Welsh Language Act requirements.	Dec 08	CLA, Communications Team, Websites Team	
Establish a process for civil applications received in Welsh to contact other stakeholders to inform them of the client's language choice where allowable under our confidentiality provisions	Clients will receive a joined up Welsh language service within the civil justice system.	August 2008	RD	