From:	PMO
To:	Wylfa Newydd
Subject:	RE: IACC Deadline 2 Submission : Local Impact Report - Welsh Language and Culture (email 17)
Date:	04 December 2018 19:50:49
Attachments:	image001.png image002.png image003.png Annex 9C-9G (Batch 4 of 4).zip

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Please note, a number of emails will follow in relation to the LIR – we will confirm the final e-mail.

Pnawn Da/ *Good afternoon*,

Gweler ynghlwm cynrychiolaeth CSYM mewn perthynas â'r uchod / *Please see IACC's representation in respect of the above.*

Bydd fersiwn Gymraeg yn cael ei ddarparu cyn gynted a phosib / *A Welsh version of the submission will be provided in due course.*

Cofion/ *Regards*,
Manon

Swyddfa Rhaglen Ynys Ynni /
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Ysgrifennwch ataf yn Gymraeg neu Saesneg
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Mae'r neges e-bost hon a'r ffeiliau a drosglwyddyd ynghlwm gyda hi yn gyfrinachol ac efallai bod breintiau cyfreithiol ynghlwm wrthynt. Yr unig berson sydd 'r hawl i'w darllen, eu copio a'u defnyddio yw'r person y bwriadwyd eu gyrru nhw ato. Petaech wedi derbyn y neges e-bost hon mewn camgymeriad yna, os gwelwch yn dda, rhowch wybod i'r Rheolwr Systemau yn syth gan ddefnyddio'r manylion isod, a pheidiwch datgelu na chopio'r cynnwys i neb arall.

Mae cynnwys y neges e-bost hon yn cynrychioli sylwadau'r gyrrwr yn unig ac nid o angenrheidrwydd yn cynrychioli sylwadau Cyngor Sir Ynys Mon. Mae Cyngor Sir Ynys Mon yn cadw a diogelu ei hawliau i fonitro yr holl negeseuon e-bost trwy ei rwydweithiau mewnol ac allanol.

Croeso i chi ddelio gyda'r Cyngor yn Gymraeg neu'n Saesneg. Cewch yr un safon o wasanaeth yn y ddwy iaith.

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The Provision of Welsh Language Choice in the North Wales Criminal Justice Sector

April 2008

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Commissioned by:
North Wales Local Criminal Justice Board

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Section 1: Background and Summary

Background

Introduction

The North Wales Local Criminal Justice Board (NWLCJB) was established in 2003 and brings together the chief officers of the six North Wales Criminal Justice Agencies: North Wales Police, Crown Prosecution Service, Her Majesty's Courts Service, The Probation Service, Youth Offending Teams and The Prison Service in order to provide better co-ordinated and more cohesive working arrangements within the Criminal Justice System.

This study was commissioned by the North Wales LCJB's Welsh Language Sub-Committee. According to the latter's Mission Statement:

> "*North Wales LCJB's Welsh Language Sub-Committee recognises that offering genuine language choice is a duty under the Welsh Language Act 1993. That choice is also essential to the effective and efficient administration of justice in Wales. The sub-committee will:*
>
> - *Ensure that the justice system accurately identifies the choice of language of all service users and acts upon that choice.*
> - *Identify and seek to rectify any weaknesses within the system that prevents the provision of a full bilingual service.*
> - *Promote language awareness and sensitivity and the use of the Welsh language within the justice system."*

The North Wales LCJB's Welsh Language Sub-Committee has the following aims.

- Encouraging a more joined up approach to Welsh language training between the justice agencies.
- Co-ordination of linguistic activity within the justice agencies.
- Sharing good practice in relation to Welsh language activity between the agencies especially in the field of language awareness.
- Encouraging a greater business use of the Welsh language within the internal administration of the agencies.

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- Encourage the agencies to adopt a policy stating clearly that all new employees should have to show basic Welsh skills (Level 1) before their appointments are confirmed.

- Ensuring a guaranteed language choice within the justice system.

Over the past 10 years, the NWLCJB and the North Wales Police have proved to be pioneers in the strategic planning and provision of Welsh language services. Of all the LCJBs in Wales, the NWLCJB has been the most proactive in terms of implementing the principles of the 1993 Welsh Language Act. There is a manifest desire and commitment among managers of all the justice agencies in North Wales to improve the delivery of genuine language choice in the pursuit of the administration of justice for the citizens of North Wales.

It is recognised, of course, that while substantial progress has aready been achieved, it will take many years to thoroughly change the values and practices of a sector which has for centuries considered English as the sole language appropriate to the justice system in Wales. The commissioning of this report represents another important step in the process of identifying further ways to improve the bilingual provision of each agency and, more significantly, ways of moving forward through the sector-wide collaboration of all agencies operating within the North Wales criminal justice system.

The study presented in this report was specifically comissioned to:

a. Identify how effectively the criminal justice agencies in North Wales offer language choice to defendants, victims and witnesses;
b. Identify how effectively language choice is recorded and passed on to other agencies;
c. Provide recommendations for the North Wales criminal justice system;
d. Develop a methodology so that a similar investigation may be carried out in the civil process.

Methodology

In agreement with the commissioning agency, this study has focused on the following agencies/individuals:

- HMP Altcourse
- British Transport Police
- Crown Prosecution Service
- Defence Solicitors
- Crown Court Judge
- Her Majesty's Courts Service
- Legal Services Commission
- North Wales Local Criminal Justice Board
- North Wales Police
- The Law Society (Wales Office)

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- The Probation Service
- North Wales Witness Service
- Witness Care Unit
- Youth Offending Teams (Gwynedd & Môn, Conwy & Denbighshire, Flintshire and Wrexham)

A questionnaire was developed to collect detailed information from each agency about:

a. their organisational framework for providing language choice; and
b. their methods and procedures for offering language choice and for recording and passing on language choice internally within the agency and externally to other agencies.

These questionnaires were completed by the authors during 40 minute–1 hour face-to-face and telephone interviews with at least one representative from each agency. Interviews were conducted in Welsh or English according to the interviewees' preference.

Each agency's website and publically available documentation was examined prior to interviews. Further documentary evidence was gathered during the interviews. This evidence included, for example:

- voluntary/statutory Welsh language schemes or policies
- annual reports, strategic documents, mission statements etc.
- staff guidelines
- forms, example letters,
- leaflets and other publicity/information materials (DVD, newsletters).

Semi-structured interview schedules were designed to collect the views and experiences of Welsh-speaking victims/witnesses, young and adult offenders. In all, we conducted interviews with 9 adult prisoners/ex-prisoners; 2 offenders serving probation orders; 4 young offenders and 3 victims/witnesses. During our visit to HMP Altcourse we interviewed four male prisoners MO5, MO6, MO7 and MO8 (from Anglesey). We also interviewed a further four male ex-prisoners MO1, MO2, MO3 and MO4 and one female ex-prisoner FO1 (from Gwynedd). We interviewed two female offenders on Probation Orders (from Gwynedd). Of the four young offenders interviewed, FYO1, FYO2 and FYO3 were young women from Gwynedd and FYO4 was a young woman from Flintshire. Finally, of the three victims/witnesses interviewed, VW1 was male and VW2 and VW3 were female. All the victims/witnesses interviewed lived in Gwynedd.

All interviews with victims, witnesses and offenders were conducted in Welsh according to the interviewees' preference. All interviews were audio recorded and transcribed apart from in the case of the 4 prisoners at HMP Altcourse. The views and comments of victims, witnesses and offenders are referred to throughout the report.

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Purpose of this report

This report presents the findings of the study and seeks to draw observations from the interview and documentary data collected from the criminal justice agencies, victims, witnesses, juvenile and adult offenders. This report also seeks to:

- establish the extent to which victims, witnesses and offenders are provided the opportunity to use Welsh fully in their interaction with criminal justice system agencies in North Wales;

- evaluate whether the Welsh language service provided to victims, witnesses and offenders meets the requirements of the 1993 Welsh Language Act i.e. that in the conduct of public business and administration of justice in Wales the English and Welsh languages should be treated on the basis of equality;

- provide an analysis of the operational framework each agency has in place and the methods and procedures they employ to provide genuine language choice to its Welsh-speaking users;

- provide an analysis of the issues raised by Welsh-speaking victims, witnesses and juvenile and adult offenders' experience of the criminal justice system;

- provide recommendations to each individual agency for improving current practice;

- based upon the evidence gathered during this study, draw key conclusions for the criminal justice system in North Wales and formulate recommendations for improving and standardising best practice in Welsh language provision across the sector.

Considerations

The conclusions drawn from this research should be considered in the context of the following limitations set out below:

- This study was originally conceived as an audit of the capacity of criminal justice agencies in North Wales to offer language choice to users, i.e. an audit which would focus upon criminal justice agency provision. The study was subsequently extended to give greater weight to the experience of the users of the services provided by these agencies. However, the interviews with victims, witnesses, juvenile and adult offenders were conducted within a short timeframe at the end of the project which made it impossible to secure more than a limited sample of users.

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- The sample of victims, witnesses and offenders included in this study are not, therefore, intended to provide a representative sample of the Welsh-speaking victims, witnesses and offenders of the North Wales criminal justice system. There is a strong bias within the study of informants from Gwynedd, although this is a bias that is also reflected in wider criminal justice system statistics. The experiences of the informants interviewed in this study should be viewed as case studies which inform the report and illuminate certain issues concerning Welsh language provision.

- Some problems were experienced in securing all the interviews intended within the timeframe of the study. Consequently, despite all efforts being made by the consultants, it was not possible to secure interviews with 2 defence solicitors, and interviews with 1 victims/witness and 1 offender on probation order were cancelled. It was not possible to interview users from Conwy, Denbighshire or Wrexham because the agencies who were asked to assist us in our efforts to identify potential interviewees did not hold records of Welsh speakers.

- This report recognises that there are elements of good practice in all the North Wales criminal justice agencies and that some agencies are particularly pro-active in developing a robust framework and methods for ensuring that genuine language choice is provided to users. However, the purpose of this report is to identify any weaknesses within the system that prevent the provision of a fully bilingual service. Consequently, more weight is given to identifying these weaknesses and providing recommendations for rectifying shortcomings.

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Executive Summary

Key Findings

The undertaking of this study was, without exception, warmly welcomed by all respondents contacted within the agencies surveyed. The authors consider that this reservoir of good will among staff towards ensuring good quality provision in the Welsh language is an invaluable resource at the agencies' disposal, and augers well for the due consideration of the findings and recommendations of this report.

Similarly a number of the juvenile and adult offenders, former offenders, witnesses and victims contacted felt that the particular focus being applied to the issue of language choice by this study was a very positive signal by the criminal justice system, indicating that the treatment of service users with regard to language choice was a matter of genuine concern to agencies.

Within this positive context, we present the following key findings:

- This study shows that the provision of a choice of services in Welsh or English by agencies across the North Wales Criminal Justice sector is varied and inconsistent.

- Where language choice is offered and Welsh speakers have the opportunity to use Welsh as their preferred language, being able to deal with the criminal justice system in Welsh is a far better experience which adds significantly to the quality of the service they receive.

- However, the evidence of interviewees who have had experience of the North Wales Criminal Justice System suggests that the offer of language choice by agencies and genuine opportunities to use their Welsh are generally scarce, inadequate, inconsistent and arbitrarily determined.

- The evidence of adult prisoners and young offenders held in the secure estate indicates that language choice for Welsh speakers in those institutions is typically scarce or non-existent.

- The language registers used by all agencies in the justice sector for verbal and written communications is a major factor in determining whether service users will wish to use Welsh when communicating with the agencies.

- The lack of confidence of Welsh speakers in general in dealing with official matters through the medium of Welsh also extends to Welsh speaking professionals and other Welsh speaking staff across the sector.

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- The evidence provided by agencies shows that their working arrangements for offering, recording, responding to and forwarding a record of language choice are generally inadequate, inconsistent and in some cases non-existent.

- Where users opt to exercise language choice and use Welsh it almost invariably causes delays and difficulties and often adds to the stress experienced by them.

- Recruitment and staffing arrangements and the management of language skills resources for implementing the provision of language choice to service users are generally ineffective, inefficient and apparently arbitrary.

- Levels of Welsh language awareness and sensitivity to the importance of offering language choice are generally low among agencies' staff.

- Current understanding of the concept of offering language choice throughout the sector is based, inappropriately, on the idea of "responding to demand".

- Across the sector, with few exceptions, English is regarded by the agencies surveyed as the 'default' language or norm for communications skills deployment in all interface situations with clients / service users.

- Agencies within the sector which operate as local units of a centralised administration or headquarters based outside Wales invariably face difficulties in ensuring adequate resourcing and support for bilingual provision.

- The public often do not differentiate between the various criminal justice agencies. To Welsh speaking service users, the current inequality and inconsistency of language choice provision when experiencing 'the criminal justice system' may well appear confusing and incomprehensible.

- Whenever members of the North Wales public engage with the criminal justice system in North Wales, initial contact system is almost invariably via the North Wales Police. In terms of public perception, it is therefore reasonable for members of the public to assume that the quality and standards of the service they experience when dealing with the NWP in terms of being offered and allowed to exercise language choice will represent the norm for their subsequent dealings with the system in general. As a leading statement of policy and good practice, it is appropriate that NWP's Welsh Language Scheme should be considered as the sector's baseline model for standards of providing services in Welsh.

- Without the availability of a specialist language consultant resource, similar to the full-time Welsh Language Advisor and supporting Welsh Language Services department employed by the North Wales Police,

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progress both within individual organisations and on a sector-wide basis is unlikely to occur.

Recommendations for the North Wales Criminal Justice System

1. The North Wales Local Criminal Justice Board (NWLCJB) and its associated agencies should adopt the following method as their basic approach for offering language choice:-

   The choice of a service in Welsh or English or bilingually, should

   - *Be offered proactively to service users, rather than on request or in response to perceived demand;*
   - *Be offered for both verbal communications and for written communications, and differentiate between the two;*
   - *Be offered at the initial point of contact or at the earliest opportunity, with the user's choice formally recorded and formally conveyed to any agencies who will be involved in subsequent communications with him/her.*

2. In order to promote consistent standards and quality of service across the sector, all agencies within the sector should adopt the service standards set out in the Welsh Language Scheme of the North Wales Police for dealing with the public in Wales.

3. The NWLCJB Welsh Language Sub-Committee should pursue the action points and recommendations of this study, share best practice and promote a 'joined-up' sector-wide approach to recording, acting upon and passing on a record of users' language choice.

4. The action points relating to each agency covered by this study should form the basis of an action plan to be drawn up by each agency. Each action plan to include targets and each agency to report to the NWLCJB Welsh Language Sub-Committee on progress.

5. The NWLCJB Welsh Language Sub-Committee should establish a network similar to that of *Rhwydiaith*[1] specifically for criminal justice agencies in North Wales and throughout Wales in order to provide a support mechanism through which criminal justice agencies can come together and discuss strategic issues around the implementation of Welsh language schemes and promoting bilingualism within the criminal justice system.

[1] *Rhwydiaith is a* network established as a support mechanism through which local authorities in Wales and other public sector bodies can come together and discuss strategic issues around the implementation of Welsh Language Schemes including promoting and sharing good bilingual practice within local government in Wales.

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6. The NWLCJB should press to establish prison and secure estate facilities in Wales for adult and juvenile offenders from North Wales; any such facilities to be subject to Welsh Language Schemes.

7. Pending the establishment of prison and secure estate facilities operating Welsh Language Schemes in Wales, the NWLCJB should press all prisons and secure estate facilities which receive adult and juvenile offenders from North Wales to adopt a Welsh Language Policy Statement or good practice protocol similar to the policy statement adopted by HMP Altcourse on *The use by prisoners of languages other than English* (reproduced at Appendix 1).

8. The NWLCJB should liaise with the other local Criminal Justice Boards, the Welsh Assembly Government and other relevant organizations in Wales, with a view to pressing for increased decentralization of criminal justice structures and agencies in order to ensure more efficient and effective services, local accountability and appropriate budgetary provision for bilingual service provision.

9. All NWLCJB agencies should include in their strategic financial planning arrangements the earmarking of specific budgets for Welsh language provision as opposed to the current ad hoc arrangements.

10. The NWLCJB should initiate a project to address the need to develop appropriate language registers for communicating with Welsh speakers in both spoken and written Welsh. Priority to be accorded initially to considering the spoken and written Welsh used in custodial contexts, in the Courts and with vulnerable service users.

11. The NWLCJB and each individual agency within the scope of this study should actively pursue the development of vocational training and professional development routes which incorporate adequate and culturally appropriate training (i) through the medium of Welsh and (ii) on the deployment of appropriate 'user-friendly' language registers for dealing with service users / public interface situations, both verbally and in written format.

12. The NWLCJB should develop a strategic approach to developing and delivering Welsh Language Awareness Training to staff throughout the sector as an integral part of their professional training and development.

13. The NWLCJB should press the Welsh Language Board to produce and disseminate at the earliest opportunity its long-awaited Justice Sector Terminology in order to progress the staff training and development objectives outlined in these recommendations.

14. The NWLCJB should actively promote:
    - an understanding across the sector that it is no longer appropriate for agencies to treat English as the default language and norm for

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communicating with service users and that Welsh and English are to be treated on a basis of equality;
- the adoption by each agency of a policy statement to this effect, normalising a bilingual approach to service delivery through the offer and implementation of language choice.

15. The NWLCJB and each individual agency within the scope of this study should actively publicise and market the availability of a choice of verbal and written communications in either Welsh, English or bilingually.

16. The NWLCJB should actively promote the development and implementation of Bilingual Skills Strategies by the agencies within the scope of this study in order to foster a planned, strategic approach to the recruitment, development and effective management of language skills resources for providing language choice to service users.

17. The NWLCJB and each individual agency within the scope of this study should press for adequate Welsh Language consultancy staffing resources to progress the Welsh language agenda and the recommendations of this report effectively both within individual organisations and on a co-ordinated sector-wide basis.

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Section 2

Reports on individual North Wales criminal justice agencies

In this section, we present our findings on each of the justice sector agencies investigated for the purpose of the report. The text dealing with each agency includes:

- An outline profile of the organisation and brief commentary based on the information received and on the responses obtained

- A summary, in table format, of the responses obtained at interviews to questions on specific aspects of providing language choice to service users

- A series of Action Points recommended to each agency.

At various points in this Section, points arising in the text are informed or illuminated by the inclusion in text boxes of quotations obtained from our interviews with service users and other sources.

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North Wales Police

The North Wales Police (NWP) are responsible for policing an area which has a resident population of over 675,563 and 280,329 homes. The Force employs over 1,590 police officers and approximately 992 civilian support staff. In addition, the Force has 160 Police Volunteers, 85 civilian volunteers and 161 Police Community Support Officers. The NWP area is divided into 3 Basic Command Units (BCU) and the Headquarters is located at Colwyn Bay. Each BCU is largely coterminous with an area covered by two Unitary Councils:

- The Eastern Division covers the counties of Wrexham and Flintshire, with a population of 281,067
- the Central Division covers the counties of Conwy and Denbighshire with a population of 207,362
- the Western Division covers Gwynedd and Anglesey, with a population of 187,134.

The area covered by NWP includes some of the most Welsh speaking areas in the whole of Wales. Having said that, the profile of Welsh speakers throughout the six county areas covered by NWP varies considerably as shown in Table A.

Table A: Able to speak Welsh (2001 Census)

NWP Police Basic Control Divisions	***County areas***	***Number***	***Percent***
Eastern division	Flintshire	20,599	14.4
	Wrexham	18.105	14.6
Central division	Denbighshire	23,760	26.4
	Conwy	31,298	29.4
Western division	Anglesey	38,893	60.1
	Gwynedd	77,846	69.0

These geographical variations in the number and proportion of Welsh speakers across North Wales inevitably poses a particular challenge to NWP and other agencies of the criminal justice system with regard to the delivery of a high quality bilingual service to all Welsh speakers.

According to their own description, North Wales Police have an innovative Welsh Language Scheme. In a statement on the website relating to the Welsh Language, NWP place considerable emphasis on language considerations when communicating with the public:

"It is our policy to conduct our dealings with members of the public in English or in Welsh according to the wishes of the individual, as far as it is practicable for us to do so. The aim of this is to develop, enhance and achieve the principle of linguistic equality in accordance with the Welsh Language Act."

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In the words of an independent review report, “The bilingualism agenda has been driven from the top and widely embraced, and the organisation has moved forward as a result.”[2] In reviewing “senior management leadership and engagement” on Welsh language issues among the 4 Police Forces of Wales, the independent review found “evidence of sustained active leadership and co-ordination of bilingualism in NWP only”. Furthermore, the review found that, according to most of the other indicators considered in the report, the NWP was at the forefront of Welsh police forces in progressing its Welsh language agenda.

Offering Language Choice: At the organisational and policy level

Our discussion in this section is based upon our interviews with a key officer in the area of Welsh language policy and a manager of custody services.

At the organisational and policy level, NWP are among the most forward thinking as regards adopting policies and procedures for improving its delivery of a bilingual service, as the information provided by NWP in Tables 1 and 2 below indicates.

It appears that some of the elements hindering the process of offering, recording and passing on language choice derive from the historically centralised nature of policing services. Procedures for warning, arresting and questioning members of the public and procedures for dealing with detainees at service desks and custody suites are all based on arrangements and documentation devised centrally outside Wales and followed by all Police Authorities. Weaknesses have been identified in the current configuration of the RMS computer system (an information recording and management system) as regards its user interfaces in English only, which do not facilitate the language choice aspects of NWP’s Welsh Language Scheme. Difficulties are still being experienced in securing the ready co-operation of the Ministry for Justice in facilitating the adoption and implementation of best bilingual practices in accordance with the Chief Officers' Strategy, and the production of bilingual inputs and outputs.

Another weakness is uncertainty among NWP staff and officers about the extent to which their partners across the criminal justice sector are able to operate effectively and efficiently to process the language choice of victims, witnesses and defendants, and the ability of those partners to take ownership of and to cope with best bilingual practices.

However, other evidence also indicates that the NWP’s own procedures for offering and conveying information on language choice to other agencies are not sufficiently robust. For example, it is apparent that some police divisions are still using the old (2005) version of the Statement Form (*MG11, Rev.3/04*)

[2] DAFIS, Rhys : ‘The Use of the Welsh language by Police Forces in Wales’ [Welsh Language Board report, 1995 (http:/www.bwrdd-yr-iaith.org.uk/publications)] . Presented to a meeting of the Welsh Language Board for discussion in April 2006.

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used to take witness statements which do not include a question box offering a choice of language, instead of the new (2007) version which includes a question to this effect. The Crown Court Judge and Defence Solicitor who were interviewed for this study said that in the light of their considerable experience, they are certain that it is not routine practice for the police to offer language choice to those brought before the courts in North Wales. We received similar evidence to this effect from the Welsh-speaking juvenile offenders and adult offenders interviewed.

Table 1: Information provided by respondent representing North Wales Police

Aspects examined	**Summary of interviewee's response**
Nature of the statutory/voluntary commitment to offer a language choice	A Language Scheme, which incorporates The Welsh Language Strategy of the Association of Chief Police Officers. The Strategy states that '*we aim to be a bilingual workplace*' and makes a commitment to offering '*a guaranteed choice of language in the Custody Suites and the Control Room*'. An Action Plan (derived from the Language Scheme)
Operating guidelines	o Guidelines for staff and officers on how to deal with someone in custody. o The policy is that counter staff must possess bilingual skills and offer language choice. o The Action Plan states specifically that language choice must be offered.
Welsh-speaking staff / staff who are learning Welsh	The force encourages applications from Welsh speakers and learners. The policy is that everyone joining the Police since 1.1.08 must possess at least level 2 skills in Welsh and progress to level 3 within 9 months. The force provides CDs and dedicated language training courses to assist staff to achieve these linguistic requirements. Current staff seeking promotion who do not already speak Welsh are also required to demonstrate level 2 skills. 25% + (staff and officers) are Welsh-speaking, at Level 4 and above (September 2006).
Training/briefing sessions	Every new officer appointed during the last 5 years has received language awareness training. Work is in progress to provide on-screen awareness training. An extensive scheme of Welsh-language training for all levels of learning. Additional capacity on these programmes is offered to other justice partners.

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Translation service	A Translation Unit at Headquarters, providing a written translation service to all Police departments and Divisions, and a simultaneous translation service for non-Welsh speakers at meetings where Welsh is spoken.
Budget for operating bilingually	Recently the force has set up a Welsh Language Services department and allocated a budget for staffing and language training. The department currently includes 4 translators, an administrator, a language advisor and an Officer for Promoting bilingual affairs.
Nature of the first contact	**Victims and witnesses** – an interview or a face-to-face conversation in the street, the home, on site, at the counter. A telephone conversation. **Defendants** – The above situations, as well as face to face in an interview room or in a cell in the custody suite.
Is a language choice offered for oral contact (e.g. phone, face to face, meetings)?	**Victims and witnesses** – At the counter, the policy is that staff must possess the necessary proficiency to offer the public a language choice and respond to it. For more *ad hoc* situations, e.g. on the street, there are insufficient numbers of competent and confident Welsh speaking staff to guarantee this at present. The capability of the organisation in such circumstances depends on the capability of the individual. **Defendants** – The policy is to offer a choice of language. Work is in progress to develop capacity and working methods in the custody suite to be able to offer a choice. There is a commitment to offering a choice of language for the receipt of the formal caution. An investigation is in progress into the PACE system, and the need for appropriate status for the 2 cautions, and the associated codes of practice. (NWP currently uses its own translation of the cautions).
Is a language choice offered for written contact?	**Victims and witnesses** – NWP policy is to offer choice of language for written contact, doing this when taking evidence. **Defendants** – written materials are presented in both languages. Then, once the individual's chosen language is known, the rest of the communication should be in that language.
Is the language choice recorded? How?	**Victims and witnesses** – NWP is supposed to offer choice of language in every case **Defendants** –all records are supposed to be in the defendant's chosen language
Is the record of language choice for subsequent contact shared within the agency?	The policy is to pass on a record of language choice. The respondent had no knowledge of the extent to which this happens, nor whether the current documentation facilitates this.

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Is the record of language choice shared with other agencies? How?	**Victims / witnesses / defendants**: the NWP Welsh Language Scheme states that a record of their language choice is to be passed on to any relevant partners in the justice sector. The respondent had no knowledge of the extent to which this happens, nor whether the current documentation facilitates this.

Table 2: Information provided by respondent representing North Wales Police Custody Suites – Western Division	
Aspects examined	**Summary of interviewee's response**
Nature of the statutory/voluntary commitment to offer a language choice	A Language Scheme, which makes a commitment to offering '*a guaranteed choice of language in the Custody Suites and the Control Room*'.
Operating guidelines	o Adequate information on the intranet o Drop-down menus on the RMS software system guide the officer through the process of admitting someone into custody o The policy is that counter staff must possess bilingual skills and offer a language choice
Welsh-speaking staff / staff who are learning Welsh	Caernarfon: 4 of the 6 sergeants are fluent. The other 2 are learners. 2 of the 3 civilian staff are fluent, 1 is learning Holyhead: 3 of the 5 sergeants are bilingual; the others are learning or understand a certain amount. Both of the 2 civilian staff are fluent Dolgellau: No full-time officers in the custody suite, but 7 of the 10 officers who may be called upon to work there are fluent Pwllheli: No full-time officers in the custody suite, but some 80% of the officers who may be called upon to work there are fluent. *(February 08)*
Training/briefing sessions	Not specifically about language choice, but the officers are aware of the requirements because of the information on the intranet.
Translation service	Available from Headquarters via e-mail.
Budget for operating bilingually	Not specifically for the custody suite, but resources are set aside to support bilingualism within the force in general.

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Nature of the first contact	Police officer arrests someone and takes him/her into custody, passing on the information to the sergeant. Then, the sergeant and the civilian officer at the custody suite take down the details of the person at the desk, with the help of RMS software.
Is language choice offered for oral contact (e.g. phone, face to face, meetings)?	In Gwynedd and Anglesey this happens naturally, without a formal 'offer'. Usually, if the arresting officer is a Welsh-speaker, Welsh is spoken. No formal offer. Neither the custody suite nurse nor the catering staff offer language choice. In the experience of the respondent and fellow-officers, very few prisoners wish to be interviewed in Welsh.
Is a language choice offered for written contact?	RMS software requires that the officer records whether the person being admitted wishes to be interviewed in Welsh or in English. This is a means of reminding the officer to record that choice (but sometimes the box is not filled in).
Is the language choice recorded? How?	As noted above. Apart from that there is no specific record unless the person requests a trial through the medium of Welsh. The usual procedure is to 'respond to demand'.
Is the record of language choice for subsequent contact shared within the agency?	No, if the officer dealing with the case does not record the choice in the file (and there is no requirement to do this) before passing on the information to the Prosecution Service.
Is the record of language choice shared with other agencies? How?	No, except as noted above. It is not part of the usual procedure.

Offering Language Choice: the experience of users

All of the 18 Welsh-speaking victims, witnesses, young offenders and adult offenders we interviewed lived in Gwynedd and Môn, apart from one Young Offender who lived in Flintshire.[3] The experiences they reported of dealing with the North Wales Police were mixed and inconsistent when it came to being offered the choice to use Welsh.

The Association of Chief Police Officers Welsh Language Strategy states that there will be a "guaranteed language choice in Custody and Control Room"[4]. Evidence we collected regarding contact with the Control room suggests that

[3] We were unable to interview offenders from Conwy, Denbighshire and Wrexham because no prisoners from these areas were available for interview at HMP Altcourse on the day we visited. Conwy & Denbighshire YOT do not keep a record of young offenders' first language or language preference and were therefore unable to identify Welsh-speaking offenders we might interview.

[4] North Wales Police Revised Welsh Language Scheme 2006, p.3.

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language choice is almost always guaranteed for those who contact the police Control Room in St Asaph.

> "Pan oedde ni'n ffonio'r llinell heddlu yn Gymraeg oedde nhw'n gwneud hynny. Rhan amlaf 'da ni'n cael person Cymraeg yn ateb, er pan nes i [ffonio] wythnos dwytha, yn Saesneg ddaru o ateb, a dyma fo'n dweud, "Dwi wedi ateb y llinell i safio i chi orfod aros i gael y llinell Gymraeg". (VW2)
>
> *TRANSLATION: "When I phoned the police's Welsh line they did so. Most of the time we get a Welsh speaker answering, but when I phoned last week, he answered in English and said "I've answered the phone to save you from having to wait to get through on the Welsh line."* (VW2)

In contrast, according to the offenders we interviewed, language choice is far from guaranteed to detainees who are taken into custody, even at Caernarfon, which is the most Welsh speaking town in the NWP area.

Around half of the 15 people who had been arrested had been offered a language choice when they were **arrested**. Those who had been arrested on several occasions often reported having a language choice on some occasions and no language choice on others. This pattern would seem to reflect whether they had been arrested by a Welsh-speaking officer or not.

However, at the **custody reception desk** when detainees' details are recorded on the RMS computer system, all but one of the seven offenders we interviewed who described being taken to the custody suite in Caernarfon said that this process of recording their details had been carried out in English. We would have expected detainees to have reported more opportunities to use Welsh in this context since there is quite a high level of fluency in Welsh among the custody staff in Caernarfon (4 of the 6 sergeants and 2 of the 3 civilian staff are fluent in Welsh and each of the non-fluent sergeants/ staff are learning Welsh). The fact that the existing user interface of the RMS computerised system (produced in Canada) is in English only is likely to influence the tendency suggested by our data for detainees not to be offered the option of undertaking this procedure in Welsh. Even though there is an on-screen question on the system which asks for a record of a detainee's language, it is an optional rather than mandatory response field and we were informed that this question is often left unanswered by the officer. Welsh speaking custody officers who may be unfamiliar with or lack confidence in formal written Welsh, and are presented with an interface of drop-down response options in English only in a formal custodial situation, are highly unlikely to proactively offer the use of Welsh when navigating the system to record the details of a detainee. Indeed, doing so would require simultaneous translation skills. We understand that capacity does exist within RMS to operate user interfaces in more than one language, as is currently the case within police forces in Canada which operate RMS, where a choice of interface in either English or French is available. However, we were informed that reconfiguring the system used by NWP in order to ensure a choice of interface in Welsh or English would have substantial resource implications which would need to be addressed at the most senior level.

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From the experience of the offenders we spoke to, the opportunity to be **interviewed** in Welsh is not consistently offered to all detainees. 5 offenders said that they were not given this choice. Each of the five who reported not being given a choice, said that they would have preferred to have been interviewed in Welsh and given their statements in Welsh.

The one female young offender we interviewed from Flintshire reported that she had had no opportunity to use Welsh at all with the police when they came to the house to arrest her, at the desk in the custody suite, when interviewed and when a statement was taken from her.

"O'n i'n cael fy interviewio gan yr un rhai wnaeth arestio fi. Ond o'dd hi'n gwybod bod fi'n Gymraeg oherwydd o'n i'n siarad hefo mam fi yn fan hyn yn Gymraeg a wedyn o'dd hi'n siarad Saesneg achos doedd hi'm yn dallt Cymraeg. Ond os oedd hi'n gwybod bo fi'n Gymraeg dyle bod hi wedi rhoi'r opsiwn i fi gael y Gymraeg rili." (YFO4)

TRANSLATION:
"I got interviewed by the one who arrested me. But she knew I was Welsh speaking because I was speaking to my mam in Welsh here but then she spoke English to me because she couldn't understand Welsh. But if she knew I was Welsh speaking she really should have offered me the option to have Welsh"
(YFO4)

The three female young offenders we interviewed who lived in the Caernarfon area also reported having not been given the choice to use Welsh by the police when they were taken to the custody suite.

FYO2: "Nath o [plismon] ddod i tŷ ni a wedyn nath o neud date i ni wedyn fynd lawr i'r lle heddlu."
FYO1: "A wedyn pan aethon ni fana, gaethon ni ddim choice 'nam byd o Cymraeg a Saesneg – o'dd bob dim jyst yn Saesneg… Oedd o'n gofyn cwestiynau idda fi yn Saesneg so o'n i'n gorfod atab yn Saesneg neu sa fo'm yn dallt be o'n i'n ddweud. [O'dd hyn] yn police station Caernarfon.

TRANSLATION:
FYO2: "He [the policeman] came to our house then he gave a date for us to go down to the police station"
FYO1: "And then when we went down there we weren't given any choice or anything between Welsh and English – everything was just in English…He asked me questions in English so I had to answer in English or he wouldn't have understood what I was saying. [This was] at Caernarfon police station"

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FYO1: "Saesneg oedd o [y cyfweliadau] i gyd. Oedd o'n rude hefo fi yn y dechrau. Oedd o'n rude hefo fi eniwe so dwi'm yn meddwl y baswn i'n cal y choice."
TRANSLATION:
FYO1: "It was all [the interviews] in English. He was rude to me at the beginning. He was rude to me anyway so I didn't think i'd get any choice"

FYO2:"Ond gaethon ni ddim dewis. Aethon ni i'r lle heddlu tri gwaith a gaethon ni ddim dewis. Gaethon ni ddim dewis at all ia. So da ni isho mwy o Gymraeg."
FYO1: "Yn yr interview ia swn i di licio siarad interview fi yn Gymraeg.
FYO2: "O a fi fyd."
FYO1: "Achos o'n i'n swnio'n absolutely stiwpid ar y tâp."
FYO2: "Dwi'n swnio'n goman pan dwi'n siarad Saesneg. "Ia, Ia!""
FYO1: "Ia baswn i di licio gwneud interview fi yn Gymraeg."
FYO2: "Swnio'n stiwpid yn siarad Saesneg fel'na."
FYO1: "A fi fyd."

TRANSLATION:
FYO2: "But we didn't get any choice. We went down to the police station three times and didn't get any choice. No choice at all. So we want more Welsh."
FY01: "At the interview I'd have liked to have given my interview in Welsh"
FY02: "And me too".
FY01: 'Cos I sound absolutely stupid on the tape".
FY02: "I sound common when I speak English : "yeah, yeah""
FY01: "Yes, I'd have liked to have given my interview in Welsh."
FY02: "Sound stupid talking English like that."
FY01: "Me too."

In instances where a detainee was given a choice, one said he didn't mind and so was interviewed in English, two said they chose English because in these situations she was always afraid of not being able to understand "Cymraeg posh".

All three **victims/witnesses** (living in Gwynedd) had given their evidence in Welsh to Welsh-speaking police officers. All three were offered the opportunity by Welsh-speaking police officers to give their **statements** in Welsh. The two victims/witnesses who chose to give their statements in Welsh had found that doing so led to a significant delay in their case while the statements were translated into English for the non Welsh-speaking sergeant who dealt with their case.

"Pan ddaru ni wneud ein statements 'oedden ni'n cael gwneud nhw i gyd yn Gymraeg. O'dd y Sarjant yn Port ddim yn deall Cymraeg. O'dd rhaid cael eu cyfieithu nhw i'r Saesneg iddo fo. So mi ddaliodd hynny bethau'n ôl a dwi'm yn meddwl mod i'n dweud celwydd wrth ddweud tua 6-7 wythnos." (V/W2)

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TRANSLATION: "When we made our statements we were able to do them all in Welsh. The sergeant at Porthmadog couldn't understand Welsh. They all had to be translated for him. So that held things back and I don't think I'm telling a lie when i say by about 6-7 weeks." (V/W2)

"Hefo'r heddlu, o'n i'n siarad fwyaf yn Gymraeg, ond y ffaith ein bod ni wedi gorfod gweitiad yr amser yna, mi ddaliodd hynny bethau'n ôl 7 wythnos cyn iddo fo fynd i'r CPS am nad oedd y Sarjant yn Porthmadog yn medru Cymraeg … Mi ddaru ni gyd gyfarfod hefo'r Sarjant yn Porthmadog a mi ymddiheurodd nad oedd o'n medru Cymraeg." (V/W2)

TRANSLATION: "With the police, I spoke mostly in Welsh, but the fact that we had to wait that long, that held things up for 7 weeks before it went forward to the CPS because the sergeant at Porthmadog didn't understand Welsh… We met with the sergeant at Porthmadog and he apologised that for not being able to understand Welsh" (V/W2)

The experience of the individuals we interviewed suggests that overall, the capacity exists for all aspects of an individual's interaction with the police to be carried out in Welsh. However, some people have more opportunity to use Welsh with the police than others. This is partly due to where they live, with opportunities much greater in Gwynedd and Môn due to the higher proportion of Welsh-speaking police officers and civilian staff. To improve the level of consistency of its bilingual service, NWP clearly need to continue to give priority to improving the capacity of its officers and staff to use Welsh through recruitment, management of staffing and Welsh language training.

In the custody suites, we were told that work is in progress to develop capacity and working methods to be able to offer language choice. The data from this study confirms that this work is necessary in order to improve the opportunity for detainees to be able to use Welsh.

Action points for North Wales Police

- The PACE system should be reviewed and revised so that English and Welsh can be used on an equal basis in the procedures, documentation, codes of practice and working practices derived from it.
- All systems used for offering, recording and passing on language choice internally and to partners, and for ensuring an appropriate response and appropriate continuity in that language, should be reviewed and revised. This includes
  - Re-examining the feasibility of reconfiguring RMS user interface applications in order to allow users the choice of an interface in Welsh or English;
  - inserting a 'pop-up reminder' on the current RMS system, instructing officers who open the software when admitting someone into custody to offer and record a language choice for (i) oral contact and (ii) written contact, at the beginning of the process of recording details;

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  - making it a mandatory field on the RMS system to record the above details before the rest of the software programme can be navigated;
  - Revising the whole series of *MG 1 – 18* forms, in order that they offer, record and pass on information about language choice effectively.
- Specific occupational training should be arranged on the importance of offering, recording and passing on language choice in the process of arresting someone and detaining him/her in custody. Such training to include instruction (i) through the medium of Welsh and (ii) on the deployment of appropriate 'user-friendly' language registers for dealing with service users / public interface situations, both verbally and in text format.
- North Wales Police should continue to give priority to improving the capacity of its officers and staff to use Welsh through recruitment, management of staffing and Welsh language training.

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British Transport Police

The British Transport Police (BTP) provide policing for Britain's railways. With its headquarters in London, the BTP is divided into 7 territorial areas. North Wales is included in the Wales and Western Area which covers all of Wales, the West Midlands and the South West of England.

Offering language choice

At present, the BTP are able to provide a limited Welsh language service to the public in North Wales. We were told that there is "not a massive call to use Welsh" and that the BTP in north Wales can generally facilitate any specific requests to be able to use Welsh "we are meeting the current level of demand but there's a lot of work to be more proactive". In the course of this study, we have encountered a positive attitude towards the Welsh language among BTP staff; support for the efforts of the North Wales Police (NWP) to deliver a bilingual police service; an acknowledgement that there are several weaknesses in the BTP's current capacity to provide a genuine bilingual service, particularly with regard to staffing; and a commitment to take steps to improve the current sitution. BTP is currently working closely with other Welsh police forces to address Welsh language issues.

The BTP's statutory Welsh Language Scheme has been in place since July 1998 and is currently being revised. The BTP's website homepage presents a clear option for viewers to select between Welsh or English versions of web pages and texts. However, at the time of writing, the Welsh sections are 'currently being updated' and have been so since at least October 2007. Several documents are available in Welsh on the website, these are: the BTP's Welsh Language Scheme, a bilingual Welsh Sector Newsletter (Summer 2005), and a Welsh copy of the Wales & Western Area Policing Plan 2006 – 2007 and Strategic Plan 2003-2006.

While the BTP's Welsh version of its current Welsh Language Scheme notes its statutory status, the English version does not. This lack of indication of the scheme's statutory status is also reflected in the absence of reference to the Welsh language in BTP's strategic planning and its policy documents. The Welsh Language Scheme states that it "forms part of the Force Strategic Plan and Policing Plan objectives" (p2). However, none of the Strategic Plans, Policing Plans and Annual Reports express any commitment towards the Welsh language or towards offering language choice to service users. There is a clear lack of awareness and/or commitment among those responsible for setting and monitoring BTP strategic objectives towards the BTP assertion in its Language Scheme that it is "committed to treating the Welsh and English language on an equal basis in the discharge of its daily public business" (p2).

The BTP's main weakness is its lack of Welsh-speaking staff. Only 1 Police Community Support Officer (PCSO) speaks Welsh fluently. This issue is being addressed through staff language training in collaboration with the North Wales Police. The sergeant and one PCSO have had Welsh language

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training and there is an intention for all officers and staff in the Wales sector to receive basic Welsh language training in due course. The BTP's efforts to recruit Welsh-speaking staff are made more difficult because recruitment to posts in Wales are managed centrally from the Wales and Western Area administrative headquarters in Birmingham.

BTP staff do not have any specific procedures in place to ensure that proactive measures are taken to offer language choice, to record the language choice and share the information with other agencies for their subsequent use.

Action points for British Transport Police

- The BTP's English version of its Welsh Language Scheme should give mention to its statutory status and due recognition of its status should be given in BTP's Strategic Plan and Policing Plan.
- The BTP should include the Welsh Language in its Combined Equality Scheme, as is currently the practice of other public sector institutions.
- A continuous rolling programme of language awareness training should be provided for all staff operating in Wales.
- Steps should be taken to formalise the procedure used to proactively offer language choice to users, record the choice made and share the information internally and formally with partners in order to ensure an appropriate response and appropriate continuity in the chosen language.
- BTP should raise the profile of Welsh as a key skill for BTP officers and civilian staff as part of the recruitment and induction process.
- BTP should increase its team capacity to be able to communicate with victims, witnesses and offenders proactively and fluently in Welsh

Table 3: Information provided by respondents representing British Transport Police

Aspects examined	Summary of interviewee's response
Nature of the commitment (statutory/voluntary) to offer a language choice	The British Transport Police's statutory Welsh Language Scheme was approved by the Welsh Language Board in July 1998 and is being revised. The English version of the scheme does not state that it is a statutory scheme prepared under the Welsh Language Act 1993.
Operating guidelines	A booklet for staff was issued and used for staff awareness but, according to persons interviewed, needs updating.
Welsh-speaking staff / staff who are learning Welsh	The present establishment of the BTP in north Wales is as follows: Inspector, Sergeant, 8 Police Officers, 3 Police Community Support Officers, 1 Partnership Co-ordinator and 1 Police Support. Of these, 1 of the PCSO's is a fluent Welsh speaker.
Training/briefing sessions	Sergeant & PCO have had Welsh language training provided by NW police & will go on to do a more

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	advanced course. Since the date of interview BTP have produced a 'linguistic courtesy' CD similar to that of the NWP so that all Wales sector staff receive basic training.
Translation service	External translators/interpreters used as necessary.
Budget for operating bilingually	None.
Nature of the first contact	Telephone calls by victims or members of the public reporting an incident, typically to 24hour Birmingham Control Room, sometimes to local Railway station. Policy Community Support Officers (PCO's) are 1st point of call for general public - victims, witnesses, offenders speak to CPO's at railway station/ at the scene of an incident.
Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	Not by 24 hour BT Control Room service in Birmingham where responses to enquiries in Welsh were: "I'm sorry?" "I can't understand what you're saying" "We're not Welsh-speaking here" "there are plans for us to learn Welsh but it hasn't happened yet". However, receptionist did phone back within minutes to suggest being able to provide "the telephone number of one of our Welsh offices where you will be able to speak to an officer there in Welsh"
Is a language choice offered for written contact?	The Welsh Language Scheme states that the force welcomes correspondence in Welsh or English and that Welsh letters are answered in the same timescale as letters in English.
Is the language choice recorded? How?	No formal process in place.
Is the record of language choice for subsequent contact shared within the agency?	No formal process in place –at the discretion of individuals.
Is the record of language choice shared with other agencies? How?	Share information with Courts and North Wales Police but no formal process in place to record and share information on language choice.

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The Crown Prosecution Service

The Crown Prosecution Service is the Governmental Department responsible for prosecuting criminal cases investigated by the police service in Wales and England. It is responsible for: (i) advising the police on cases which can be prosecuted; (ii) reviewing cases presented by the police; (iii) where a decision is made to prosecute, identifying which accusation should be used in each case excluding minor ones; (iv) preparing cases for court; and (v) presenting cases in court.

Offering Language Choice

- According to the information received at the time of interview in October 2007, the ability of victims, defendants and witnesses to use Welsh in their contact with the Crown Prosecution Service (CPS) is likely to vary according to area with individuals in Gwynedd and Anglesey having a better opportunity to obtain a Welsh-medium service than individuals in Conwy and Denbigh or Wrexham and Flint. As the experience of one of the offenders we interviewed attests (See Case Study Derfel) a Welsh-speaker who would have chosen to use Welsh rather than English in each of his 7 court cases had he been offered the choice was not given the opportunity to make that choice.

- An electronic case management system offers an effective means of recording and flagging language choice. It is also a means of collating all the documents relevant to a court case and ultimately integrating with the systems of other agencies.

- According to the respondent we interviewed, a significant amount of central investment is needed to ensure that all the documents relating to a court case are available bilingually in order to facilitate full language choice for every case.

- The Code for Crown Prosecutors identifies the basic principles to be followed by Crown Prosecutors as they reach a decision on cases. It would be appropriate to emphasise the rights of victims, defendants and witnesses to use the Welsh language in court cases and the principles for facilitating and supporting that right.

- The Crown Prosecution Service's Revised Welsh Language Scheme which was approved by the Welsh Language Board in March 2008 includes several revisions which point to the CPR's commitment to developing good practice with regard to identifying, recording, facilitating and passing on users' language choice. These include:

    - "We will ensure that users of the services of the Crown Prosecution Service will be able to receive services through the medium of Welsh from any of our offices in Wales. Welsh-speaking staff will be

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available to provide that service. In accordance with the principles of our Equality and diversity policy the Crown Prosecution Service will deliver an equally high service in Welsh as in English, and will state this in its Business Plan" (Section 4.2)

- undertaking to implement a Language Skills Strategy which (i) identifies the language needs in every CPS office in Wales, (ii) surveying staff's existing Welsh language skills in each office, and (iii) establish a skills strategy for matching (ii) with (i). (Section 8.2)
- "the Crown Prosecution Service will identify the language choice of the user of its services at the earliest opportunity, namely when the CPS charging lawyer is giving advice to the police on charge. If language choice is not apparent the CPS lawyer will prompt the Police before charging to ascertain it. We will work with our criminal justice partners to ensure a robust and efficient process of transferring details of language choice is in place." (Section 5.2)
- A short handbook has been prepared for use by the Witness Care Unit to explain language choice.

Action Points for Crown Prosecution Service

The Crown Prosecution's Revised Language Scheme incorporates several features of good practice, which if implemented effectively should significantly improve the CPS's current language provision for victims and witnesses' preparation for court and for the use of Welsh in court cases.

- The CPS should ensure the full resources required to implement its Welsh Language Scheme effectively;
- In the light of the recently approved Revised Welsh Language Scheme, the CPS should review all aspects of it procedures relating to language choice;
- The CPS should also give specific priority to implementing the Language Skills Strategy proposed in the Revised Welsh Language Scheme;
- The CPS should work together with other members of the North Wales Local Criminal Justice Board to share and develop good practice incorporated in their recently adopted revised Welsh Language Scheme.

Table 4: Information provided by respondent representing The Crown Prosecution Service (October 2007)

Aspects examined	Summary of interviewee's response
Nature of the commitment (statutory/voluntary) to offer a language choice	A revised language policy is being developed.
Operating guidelines	Intend to prepare guidelines to accompany the launch of the revised language policy

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Welsh-speaking staff/ staff who are learning Welsh	Prosecutors – 50% (17 of 34) speak Welsh plus 3 learning Welsh Admin staff – 26% speaking Welsh and 7% learning.
Training/briefing sessions	Welsh language enhancement sessions.
Translation service	A translation service is available from external companies as necessary for verbal and written translations.
Budget for operating bilingually	No specific funding.
Nature of the first contact	With defendants, it is mainly written contact.
Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	According to the respondent, a language choice is offered but, at the time of interview, there were no Welsh-speaking staff in the office to deal with enquiries from Welsh-speaking witnesses. [Since the time of interview, an unspecified number of Welsh speakers have been added to the staff in Wrexham and Colwyn Bay.] An offer is made to transfer the call/arrange for a Welsh-speaker to phone back but the individual is usually willing to continue the conversation in English. A language choice is offered in meetings with victims.
Is a language choice offered for written contact?	A language choice is offered. The first letter sent is bilingual, and the defendant is given the opportunity to identify his language choice for subsequent written contact.
Is the language choice recorded? How?	The language choice is recorded on the front page of a paper file and it is flagged on an electronic file.
Is the record of language choice for subsequent contact shared within the agency?	The record is shared. The language choice is flagged on the agency's internal case management system.
Is the record of language choice shared with other agencies? How?	In the event of case transferral out of the area, the original tagging indicating language choice is part of the transfer of information. Information on language choice is shared with the courts - this occurs at the pre-trial hearing. The Courts' Case Progression Officers and CPS also discuss language choice at the case preparation stage.

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Defence Solicitors

We interviewed one Defence Solicitor (DS1) in order to gain first hand knowledge of any operating framework that may be applicable to the way defence solicitors in cases brought before North Wales courts deal with clients who may wish to use Welsh. DS1 is a Welsh speaker employed by a firm of bilingual solicitors, and it was apparent from his responses that the firm is sensitive to bilingual aspects of the services they provide.

Offering Language Choice

With regard to the adequacy of the present arrangements for offering and acting upon language choice in general, DS1 indicated that there are no mandatory requirements for solicitors acting on behalf of detainees in the criminal justice system to offer language choice nor to respond positively or communicate any such language preference to other agencies in the system. It would appear from this response therefore that those sections of the Legal Services Commission's Welsh Language Scheme relating to language choice with regard to Legal Aid cases have not been adequately communicated to the profession. Consequently, current provision in this respect therefore depends largely on the voluntary in-house practices or policies of solicitors' firms.

The respondent felt that awareness of bilingual issues had improved considerably over the previous 5 years or so. However, he felt that improved awareness had not led to any significant corresponding improvement in the way that language choice was formally offered, recorded and passed on from agency to agency. He felt that there is a lack of continuity and absence of "joined up thinking" regarding the effective recording and onward communication of any language choice information which may be captured by any individual agencies within the sector. His view is that such information is somehow 'lost' or overlooked, and that this problem could be addressed by 'marking' or 'tagging' of clients' files to indicate language choice – possibly by colour coding or computerized tagging.

There is an inherent presumption within the sector that communication will be in English. This is especially so when judges and prosecutors are non Welsh speaking. In these circumstances, and even in circumstances where key court personnel may be Welsh speakers, the use of Welsh will cause inevitable delays. The firm's experience of Magistrates Courts is that they are more sensitive to the matter of language choice and are better able to respond to it as there are more bilingual Magistrates, Clerks and court officials in those courts than there are bilingual Judges and Prosecutors in the higher courts.

Action points for defence solicitors

- Solicitors undertaking publicly funded work with clients in Wales should receive appropriate training, briefings and guidance on those aspects of

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the Legal Services Commission's Welsh Language Scheme requirements relating to the offering, recording and passing on of clients' language choice.

- The Defence Solicitor Call Centre (DSCC) should formally ascertain and record clients' language choice and include this information in the standard details conveyed to solicitors when allocating cases
- The Defence Solicitor Call Centre (DSCC) should ensure that Welsh or bilingual cases are allocated to appropriately skilled bilingual solicitors
- The Legal Services Commission and the Wales Office of the Law Society should liaise with a view to identifying the need for and providing other forms of Welsh language 'proficiency'/ specialist training for solicitors
- The Legal Services Commission and the Wales Office of the Law Society should liaise with a view to drawing up and disseminating to solicitors in Wales best practice principles and guidelines regarding language choice. Such liaison to include consideration of 'marking' or 'tagging' of clients' files to indicate language choice for spoken and written communications.

Table 5: Information provided by Defence Solicitor

Aspects examined	**Summary of interviewee's response**
Nature of the commitment (statutory/voluntary) to offer a language choice	Bilingual policy voluntarily adopted by firm –i.e. to offer language choice to clients No statutory policy applicable to the work undertaken.
Operating guidelines	Contained in the office manual in the form of a 'language choice' question on pro-forma for first time clients.
Welsh-speaking staff / staff who are learning Welsh	10 staff in total. All bilingual. Of those, 7 are bilingual solicitors.
Training/briefing sessions	None with regard to bilingual aspects of public interface.
Translation service	Undertaken in-house by staff of the firm.
Budget for operating bilingually	No specific provision.
Nature of the first contact	Re. detainees, a call-out to a police station. From 14.1.08, call-outs originate from Defence Solicitor Call Centre (DSCC) which has been established to monitor all cases and to allocate cases to solicitors.
Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	Call from DSCC gives no indication of client's language choice – only name, custody number and outline indication of allegation(s). Solicitors then contact police to arrange meeting with client. Upon meeting, this firm's solicitors then make an offer – in English –of language choice : e.e. 'Would you like to speak Welsh'
Is a language choice offered for written	Yes – in-house policy is that solicitor asks client whether s/he would like to be interviewed in Welsh by the police.

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contact?	Any such request for an interview in Welsh inevitably causes delays in police interview process, and some Welsh speaking detainees opt to be interviewed in English in order to avoid any such delay. Apparently, this choice is not automatically offered by the police, as all their documentation is almost without exception in English. If solicitor becomes aware of request for case to be held in Welsh, then the firm's policy is to record written information in Welsh.
Is the language choice recorded? How?	No. Language choice is identified from the language of the file received from the police, where it may be apparent from the record of the initial meeting with the police that Welsh was spoken.
Is the record of language choice for subsequent contact shared within the agency?	This firm's policy is that if its solicitors leave a client meeting in the knowledge that Welsh is the client's preferred language, this knowledge will be recorded on file and communicated to the court.
Is the record of language choice shared with other agencies? How?	The court may ask what is the client's preferred language, and may pass this information on to Probation Service and other agencies. However, sometimes the firm's solicitors feel that they have to prompt the court to make this enquiry. In any case, if the initial hearing is to be held in Welsh then the Court will need adequate prior notice.

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Witness Care Unit

North Wales has two Witness Care Units (WCU) which manage victims and witnesses from the point of charge through to the conclusion of a case. Wrexham WCU is responsible for victims and witnesses in Wrexham and Flintshire. Victims and witnesses in Anglesey, Gwynedd, Conwy and Denbighshire are dealt with by the WCU in Colwyn Bay. Witness Care Units are jointly staffed by the North Wales Police (NWP) and the Crown Prosecution Service (CPS). Each victim or witness is assigned a Witness Care Officer (WCO) who is their point of contact for all communication for the duration of the case in which they are involved. The WCO guides them through the criminal justice process, informing them of the outcome of all stages of the case (hearings, bail applications, sentencing etc.) and co-ordinates the support and other services each victim or witness might require.

Offering language choice

According to our evidence from interviewing the Witness Care Unit manager and 3 victims/witnesses, the WCU appears to be able to arrange for victims/witnesses to speak to Welsh-speaking staff, though in Colwyn Bay staff from outside the WCU have to be used for this purpose.

On each of the occasions we telephoned the Witness Care Units in Wrexham and Colwyn Bay, the telephone was answered in English by non Welsh-speaking staff. Two of the three victims/witnesses we spoke to said that it was possible to be able to speak to a Welsh-speaker if they asked to do so although this was not always possible. These two always asked for Welsh-speakers when they could because, one in particular said that he had difficulty understanding English. The other victim/witness would never ask for a Welsh-speaking member of staff although she would use Welsh if the other person spoke Welsh to her first. She told us that she was given the choice to use Welsh in face-to-face meetings with Witness Service staff but not over the telephone with the Witness Care Unit.

> "Pan ma nhw'n cysylltu tro cynta dyden nhw'm yn cynnig dewis iaith dim ond holi ydach chi eisiau support, ond mae nhw yn cynnig os ydach chi eisiau support. Ond pan mae nhw'n siarad hefo chi, mae nhw yn cynnig i chi, ond pan mae nhw'n ffonio chi dydan nhw ddim." (V/W3)
>
> *TRANSLATION:"When they contact you the first time, they don't offer a choice of language, they just ask if you want support, but they do offer if you want support. But when they speak to you they do offer, but when they phone you they don't." (V/W3)*

The WCU's have standard forms and leaflets which are bilingual. The 3 victims and witnesses we spoke to had received bilingual travel expense forms and appreciated their being bilingual. However, the personal letters which are written by WCU staff are in English. We were told that the standard letters which are available in Welsh on the Witness Management System

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'don't make sense'. Because staff need to be quite fluent in Welsh to type letters, it is now the WCU's standard practice to send the initial letter to all witnesses in English enclosing a bilingual slip asking whether the witness would like subsequent letters to be in English or Welsh. The victims/witnesses we spoke to in the course of this study said that all the written communication they received from the WCU in Colwyn Bay had been in English. They said that they would have preferred to have had bilingual versions of these letters.

"Fase cael Cymraeg fwy normal yn help, ond dwi'n gwbod bod na lot o bobl sy'n siarad fath â fi yn fama yn ffeindio hi'n anodd i ddeall Cymraeg posh. (VWJ3) … Yn licio taswn i'n cael Cymraeg a Saesneg i gael switcho o un i'r llall. "(VWJ3)

TRANSLATION: "It would help if we could speak more normal Welsh, but I know there are a lot of people like me round here who find it hard to understand posh Welsh. (VWJ3) …I'd like it if could have Welsh and English, and switch from one to the other" (VWJ3)

Action points for Witness Care Unit

- The Witness Care Units (and the Colwyn Bay team in particular) should increase their team capacity to be able to communicate with victims/witnesses directly in Welsh without having to refer calls to staff outside the unit.
- All written letters should automatically be sent bilingually to all victims and witnesses.
- Staff recruitment/training should give particular focus to increasing WCU's capacity to be able to answer the telephone and deal with enquiries bilingually, and be proactive in encouraging victims/witnesses to communicate with WCO's in Welsh and bilingually.
- All staff should receive Welsh language awareness training.

Table 6: Information provided by respondents representing Witness Care Unit

Aspects examined	Summary of interviewee's response
Nature of the commitment (statutory/voluntary) to offer a language choice	Unclear. The interviewee referred to a language policy but was not familiar with that language policy herself.
Operating guidelines	Set of minimum standards. These specify (i) that 'locally produced written material provided to victims and witnesses will be reviewed (consider[ing] issues of equality and diversity) and best practice materials developed'; (ii) 'communicate .. via preferred means of contact'; and (iii) 'conduct a full needs assessment'. No mention made of issues of Welsh language choice.

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Welsh-speaking staff / staff who are learning Welsh	11 members of staff. Non Welsh-speaking manager, 2 of 5 staff in Wrexham can speak Welsh. At the date of interview 0 out of 5 staff in Colwyn Bay office were able to speak Welsh well enough to use it in their work. [subsequently 1 Welsh speaking officer has been temporarily deployed at Colwyn Bay to cover a secondment]
Training/briefing sessions	No language awareness training. 7 officers (4 Wrexham, 3 Colwyn Bay) have had basic Welsh language training through an arrangement with the North Wales Police.
Translation service	Usually obtain support from other Welsh-speaking CPS staff to make contact in Welsh by telephone or in writing
Budget for operating bilingually	None
Nature of the first contact	Usually a telephone call from WCO. Contact made by telephone, letter, e-mail, fax according to witness request – this recorded in their statement to the police. WCU receive initial information about each individual from the police's RMS record.
Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	Since none of the Colwyn Bay staff speak Welsh, they arrange for Welsh speaking staff from CPS to contact on their behalf those who want to be contacted in Welsh. According to manager, the need for this does not arise very often. This study found that telephones were answered in English even though manager had indicated that they were answered bilingually.
Is a language choice offered for written contact?	Yes and no. Letter of request for availability to attend court hearing is sent in English. With this letter a bilingual slip asks witnesses to note whether they wish to receive further correspondence in English or Welsh and to give evidence in court in English, Welsh or Other language. Witness expense claim form is bilingual.
Is the language choice recorded? How?	Yes. On electronic Witness Management System (WMS) and on paper file.
Is the record of language choice for subsequent contact shared within the agency?	Yes. All contacts with victims and witnesses are recorded on WMS. One Witness Care Officer assigned to each case. They contact the witness each time and so know what their language preference is. Another Officer contacting on behalf of assigned WCO can check WMS for record of previous contact.
Is the record of language choice shared with other agencies? How?	WCU files are not transferred to other agencies.

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North Wales Witness Service: Gwynedd/Môn & Mold Offices

North Wales Witness Service is a regional branch of a charitable organisation that is part of Victim Support services. From April 2008 services in Wales are being reorganised and merged under the aegis of Witness Support Wales, which is funded by the Welsh Assembly Government.

North Wales Witness Service offers support to

- Witnesses required to give evidence in court, including witnesses for the defence
- Victims of crimes, their families and friends who attend Court
- Children as well as adults.

The service offers

- emotional support and practical advice without discussing evidence;
- an opportunity to view the court beforehand and find out about court procedures;
- someone to accompany them when going into court to give evidence; and
- practical assistance (e.g. when completing expenses forms).

The service is free to users, and is independent of the Police and the Courts.

At the time of interviews, there did not appear to be any documents on the North Wales Witness Service website referring to a service through the medium of Welsh. Neither was there a choice of language for those contacting the website's home page, and the website was not bilingual. The website offers an opportunity to download copies of various information leaflets in various languages, but Welsh is not among them.

Essentially, the Witness Service is a reactive service. The service responds to cases that are brought to its attention by the Crown Prosecution Service's Witness Care Units in Colwyn Bay and Wrexham. The low number of Welsh-speaking staff in the Witness Care Units and the experience of one respondent led her to feel that awareness of the Welsh language is low in the Units in general and that sensitivity to language and the need to offer language choice do not take a sufficiently prominent place in their procedures. This is backed up by the fact that the number of witnesses and victims who speak Welsh when dealing with the Witness Service in Caernarfon (where a Welsh-language service is available comparatively easily) is considerably higher than the number of 'Welsh trials' organised by the Colwyn Bay Unit and notified to Witness Service.

The form used by the Witness Support Unit in Colwyn Bay to notify Witness Service of cases does not record the witness's / victim's chosen language and includes no other reference to language choice. One respondent emphasised that there is a much scope for improvement as regards the information it receives on service users.

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We interviewed officers of two local branches within the North Wales region. The Gwynedd and Môn office serves 5 Magistrates' Courts (Dolgellau, Caernarfon, Pwllheli, Llangefni and Holyhead) and the Crown Court at Caernarfon. The Mold Office serves the Crown Court at Mold and the magistrates courts within its catchment area.

When the service's **Gwynedd and Môn Office** at Caernarfon was contacted by telephone the greeting received was bilingual. The only salaried officer there is bilingual, and 16 of her team of 23 volunteer workers are either bilingual or learning Welsh. A natural Welsh language ethos prevails in the Gwynedd and Môn office, and the team is able to offer language choice by deploying at least one Welsh speaker in every court. The salaried officer was aware that the service operates a Welsh Language Scheme and produced a copy on request during the interview.

When the service's **Mold Office** was contacted by telephone the greeting received was in English only. The service's only salaried officer at the Mold Office felt that it would be advantageous if she were fluent in Welsh, and added that she was receiving training to that end. Although all staff vacancies are advertised as posts for which Welsh is desirable, her team of 21 volunteers includes only 2 fluent Welsh speakers and 3 Welsh learners. These numbers indicate that there is insufficient capacity for offering language choice in all the courts served from the Mold Office. The respondent stated that efforts would be made to improve the service by recruiting more Welsh-speaking volunteers when the time came for recruitment, but that there was currently an adequate number of volunteers. At the date of interview she was unsure as to whether the service operates a Welsh Language Scheme.

Action Points for North Wales Witness Service

- A language skills strategy should be prepared for the service.
- The service's staffing profile should be reviewed with a view to taking every opportunity to ensure that front line staff offer a real language choice to users and communicate with them in their chosen language.
- All staff should be briefed on the requirements of the North Wales Victims Support Welsh Language Scheme.
- All staff should receive language awareness training.
- All staff should be offered Welsh language training as part of their in-service development.
- The service's software and forms should be reviewed and revised in order to formalize the system for proactively offering language choice to users for spoken and written communications, for recording that choice and for formally conveying the record of language choice, both internally and to partners, in order to ensure an appropriate response and appropriate continuity in the users' chosen language.
- The Service's website should be reviewed and revised to comply with the requirements of its Welsh Language Scheme, and the shortcomings identified in this study should be addressed.

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Table 7: Information provided by respondent representing North Wales Witness Service (Gwynedd and Môn)	
Aspects examined	**Summary of interviewee's response**
Nature of the statutory/voluntary commitment to offer a language choice	Part of North Wales Victim Support, and following '*North Wales Victim Support Welsh Language Policy*' (the copy shown us was *Version 3 – 12.02.04)* Another title - 'Welsh Language Scheme' - is used on page 1 of the document, but the document does not include a declaration to indicate whether it has been approved by the Welsh Language Board
Operating guidelines	None apart from the above
Welsh-speaking staff / staff who are learning Welsh	Locally, 1 salaried member of staff and 23 volunteers, 11 of them fluent in Welsh and 5 learners. Staff are allocated to the Courts to ensure that there is 1 Welsh speaker and 1 non-Welsh speaker at each Court
Training/briefing sessions	The respondent had received no training or briefing about the Language Policy / Scheme, but she had briefed all the Volunteer Team about it, and had given each member a copy.
Translation service	Some leaflets have been translated by the CJS (Criminal Justice Service) / H.M. Courts Service There is no budget for work arising from the service locally – the respondent undertakes various translation tasks (e.g. the Agenda and Minutes for Team meetings)
Budget for operating bilingually	The respondent is unaware of any such budget – but she also noted that she had not inquired. She thought that the CJS was responsible for material issued centrally on behalf of the sector

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Nature of the first contact	Working closely with the CPS's Witness Care Unit (Colwyn Bay), and witnesses are informed of the service by that Unit. The Service only contacts witnesses on request. Once a witness has expressed an interest in receiving the service, Witness Service receives a (monolingual English) form from the Crown Prosecution Service notifying it of the person concerned. Witness Service then telephones the person concerned. The first meeting with him/her is usually in Court. Before that, the Prosecution Service's Witness Care Unit will have sent the person concerned the 'Going To Court' leaflet, together with a DVD introducing Witness Service. The DVD includes a commentary in Welsh (one of a number of languages offered). However, there is a shortage of Welsh speakers on the staff of the Colwyn Bay Unit, and it is felt that the matter of language choice is not given much priority.
Is a language choice offered for oral contact (e.g. phone, face to face, meetings)?	Language choice is offered by the officer and by the volunteer team.
Is a language choice offered for written contact?	Any correspondence is usually sent in English, with a note stating that the letter / form is available in Welsh if the recipient so wishes. This is done to save expense. When there has been a phone conversation in Welsh with someone who will be sent correspondence, the correspondence is sent in Welsh, although some recipients then ask to receive it in English.
Is the language choice recorded? How?	It is only for cases to be held specifically through the medium of Welsh that the chosen language is recorded (by the Prosecution Service), usually following a 'preliminary hearing'). Witness Service then receives a list of such cases. Software including a '*Case Application sheet*' is used for volunteers in Court. There is room on the form for 'Comments', but particular place to note language choice. As a result, 'Welsh Cases' have to be recorded under 'Special measures' There is no record apart from the above A form, prepared by the central administration in London, has to be completed for the purposes of monitoring equal opportunities, but this contains no reference to the Welsh language. The respondent feels that it is on this form that language choice should be recorded.

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Is the record of language choice for subsequent contact shared within the agency?	There is no record apart from the above
Is the record of language choice shared with other agencies? How?	There is no record apart from the above When providing a service to children, a member of the Child Protection Unit (CPU) usually attends Court the same day as the child, and that officer usually has more extensive contact with the child than does this service, and asks the child about his/her choice of language.

Table 8: Information provided by respondent representing North Wales Witness Service (Mold)	
Aspects examined	**Summary of interviewee's response**
Nature of the statutory/voluntary commitment to offer a language choice	Part of North Wales Victim Support. The respondent was aware that the organisation had an Equalities Scheme but was unsure on the date of interview as to whether it operated a Welsh Language Scheme.
Operating guidelines	None.
Welsh-speaking staff / staff who are learning Welsh	Locally, 1 salaried member of staff and 21 volunteers, 2 of them fluent in Welsh and 4 learners (including the respondent). The salaried officer is learning Welsh (free of charge) with Court staff. The 3 volunteers are learning Welsh independently. Attempts are made to secure Welsh-speaking volunteers to provide a service for Welsh-speaking witnesses, but these have not always been successful.
Training/briefing sessions	No training or briefing about the Welsh Language Scheme.
Translation service	Written translation available from commercial translation agency. Internal staff undertake some more informal translation.
Budget for operating bilingually	Assumes the Area Office has such a budget, since invoices for translation work are forwarded to that Office.
Nature of the first contact	Working closely with the Witness Care Unit, and witnesses are informed of the service by that Unit. The Service cannot contact witnesses directly of its own accord. Once a witness had expressed an interest in receiving the service and a referral has been made Witness Service usually telephones the witness, otherwise first contact is on the day of the trial.

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Is a language choice offered for oral contact (e.g. phone, face to face, meetings)?	The Witness Care Unit informs the service – usually over thee phone - if a witness is Welsh-speaking. If not, and if the service finds out that the witness is Welsh-speaking, it contacts the Unit again to pass the information on. It is only the 1 Salaried Officer who makes such calls. During a telephone call she may identify that the witness is a Welsh speaker, and she then offers him/her a choice of language in which to give evidence, then refers back to the Witness Care Unit.
Is a language choice offered for written contact?	There is no written contact from this Office (but the parent body, Victim Support, sends out written communications)
Is the language choice recorded? How?	It is recorded on our phone record, i.e. the record of the phone conversation. This record is used to brief the volunteers.
Is the record of language choice for subsequent contact shared within the agency?	When the details of the court case come through, the salaried officer ensures that a suitable volunteer is available to provide the individual with a service in his/her chosen language. This is not always possible because the number of Welsh-speaking volunteers is small, but an effort is always made to try to ensure that it happens.
Is the record of language choice shared with other agencies? How?	Usually the court will be aware of the language of the case and of the person's chosen language. The service's salaried officer also informs the court ushers, and the prosecutor is also informed on the day - to check that he is aware of this.

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Her Majesty's Courts Service

Her Majesty's Courts Service (HMCS) is an executive agency of the Ministry of Justice. Their remit is to deliver justice effectively and efficiently to the public. It is responsible for managing the magistrates' courts, the Crown Court, county courts, the High Court and Court of Appeal in England and Wales. The Service includes an all Wales structure with 3 Language Teams responsible for promoting Welsh in the following regions: North Wales, Mid and South-west Wales, and South-east Wales.

Offering language choice

In terms of responding to language choice, the Service often relies on other agencies which are involved with a case before it reaches court. If no information is obtained in advance, there may be difficulty in ensuring that the individual's chosen language is used from the outset of proceedings. The aim is to increase the number of bilingual staff within the courts. To achieve this, a language proficiency strategy was adopted which is being piloted at present in 3 areas – Caernarfon, Cwmbrân (from where the courts in Gwent are administered) and Swansea (Crown Court). Consideration is given to determining what level of proficiency is appropriate for EVERY post, and the intention is to increase the number of Welsh-speakers within the administration, the Judiciary and the Magistracy.

Information regarding any crime and other details are received from the Police, but this information does not always include a record of language choice.

The Lord Chancellor's Standing Committee for the Welsh Language is extremely important in terms of its guiding influence on the sector.

Considerable importance is attached to the Libra system which will enable uniform action throughout Wales. Additionally, the Magistrates' Welsh Language Working Group and the various strategies are increasing awareness and the use made of the Welsh language – these are the two main challenges facing the Service.

Action Points for Her Majesty's Courts Service

- A continuous rolling programme of language awareness training should be provided for all staff.
- Steps should be taken to formalise the procedure used to proactively offer language choice to users, record the choice made and share the information internally and formally with partners in order to ensure an appropriate response and appropriate continuity in the chosen language.
- The North Wales Police should be pressed to utilise the 2007 version of the MG11 form, and the CPS pressed to formally pass on to HMCS the information indicating language choice.

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- Priority should be given to ensuring that the Libra computer system provides a uniform and consistent method and means of dealing with aspects of language choice.

Table 9: Information provided by respondents representing Her Majesty's Courts Service

Aspects examined	**Summary of interviewee's response**
Nature of the commitment (statutory/ voluntary) to offer a language choice	o Welsh Language Scheme o Welsh Language Strategic Scheme o 'Language Proficiency Strategy' (Wales) o Protocol for Magistrates', Crown and Civil Courts for listing cases where the Welsh language is used
Operating guidelines	o Guidelines for court managers o At the date of interview, one of the 3 Language Teams was preparing a handbook to provide guidance. The handbook, *The Welsh Language Scheme and You* has subsequently been issued to each member of staff.
Welsh-speaking staff/ staff who are learning Welsh	No data on the number of Welsh-speakers – this is a weakness in terms of human resources management. A high level discussion is being held regarding including a question on every application form asking whether the applicant speaks Welsh. Since the time of interview HMCS have adopted a *Welsh Language Proficiency Framework* and each post in Wales will be assessed during 2008 against 5 levels of proficiency. This will enable the service to collate information on the current location and numbers of Welsh speakers. Of approximately 1,500 staff throughout Wales, an estimated 50 to 100 can speak Welsh. Of the 200 staff in North Wales, there are approximately 40 Welsh speakers and 24 who are learning Welsh. All non Welsh-speaking staff members have been offered the opportunity to learn Welsh.

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Training/briefing sessions	o Induction sessions are held every two months providing an introduction to the Service and the court, but these do not give sufficient attention to the Welsh language. Therefore, a 35-40 minute session was developed as an introduction to Welsh (through the medium of Welsh) – these sessions are about to commence. There are 2 aspects to these sessions: the situation of Welsh in contemporary Wales; the role of Welsh within the Service. o The Judicial Studies Board provides training for Magistrates, but there is a demand for Welsh language courses on chairing/conducting a court through the medium of Welsh and courses on new legislation. Many courses are being translated, and it is intended to hold a course on every aspect of their work from April 2008. o Courses are held annually for judges on conducting court through the medium of Welsh and dealing with cases where Welsh is used. Some attend courses Nant Gwrtheyrn to learn Welsh. o Work i sbeing undertaken with other partners to create a library of terms with support from the Welsh Language Board.
Translation service	A Welsh language unit that is responsible for translation work, advice on terminology and bilingual design work. With regard to translation facilities for service users, although an individual has the right to ask for a case to be held through the medium of Welsh without giving prior notice, if the language choice has not been established in advance it may sometimes be difficult to ensure a Welsh-speaking Magistrate or Legal Counsellor or make arrangements for the individual to give evidence in Welsh if s/he wishes.
Budget for operating bilingually	The Translation Unit's budget: £500,000. An internal translator has recently been appointed. Approximately £100,000 is spent on external translation work. £10,000 has been allocated to each Area Team to develop the Welsh language. Every court and office receives Golwg and Lingo – approximately 100 copies of each issue which corresponds to an investment of about £8,000.
Nature of the first contact	By summons, and when person first appears in court.

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Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	o The first verbal contact will usually be made in Court. The Service's officers will not always have received information regarding the individual's language choice, although the Court will have received information kept on the Police's computer system (Administration of Justice Department) regarding the nature of the crime along with other details. o From next year, it is intended that the Chairman of every Magistrate's Bench will be required to open and close every session bilingually (this is subject to an ongoing consultation). o A poster is available drawing people's attention to their right to use the Welsh language in dealings with the Court.
Is a language choice offered for written contact?	The summons marks the start of the documentary process. Contrary to the Language Scheme, bilingual summonses are only sent in the North Wales region. There are plans afoot to modify the Libra computerised system. The default position with the Libra system will be to issue bilingual summonses to all Welsh postcode addresses unless a recipient's language choice has already been flagged up as 'English', when an English only summons will be issued. There is also an intention to include a note asking the defendant to indicate his/her language choice for the hearing and further correspondence, and this language choice will be recorded electronically. Libra will allow court staff to record both the **document** and **hearing** language of the case.
Is the language choice recorded? How?	On the Libra computer system in North Wales – this will be done throughout Wales when the system is modified.
Is the record of language choice for subsequent contact shared within the agency?	Not outside the North Wales region at present, but after being modified, the 'Libra' system will not allow English-only documents to be processed.
Is the record of language choice shared with other agencies? How?	In general, the only subsequent agencies involved after the Court process are the Probation Service, YOT's and the prisons.

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Welsh Judiciary

We interviewed one Crown Court Judge 1 (CCJ 1) in order to gain first hand knowledge of any operating framework that may be applicable to the way the Crown Court Judiciary for North Wales and Chester conduct cases in which the use of Welsh may be involved. CCJ1 is a Welsh speaker serving in the North Wales Crown Courts covered within the scope of this project. He emphasised that his knowledge represents only a snapshot of how language choice may come to be exercised in the courts, as the courts have to rely on and act upon information passed on to them by other agencies prior to cases appearing before them.

Offering Language Choice

In the light of his considerable experience, he feels certain that it is not routine practice for the police to offer language choice to those who appear before him. Indeed their usual practices are such that they routinely lead Welsh speakers to give evidence in English. This is compounded by the fact that many ordinary Welsh speakers – including police officers themselves - lack confidence in their use of Welsh in formal situations, especially with regard to written Welsh.

CCJ1 is of the view that there is a need to raise the confidence of police officers and staff in their use of Welsh, and encourage the public to use their everyday colloquial Welsh with confidence in their communications with the police and the courts. One useful training route would be to train police in taking statements in Welsh in a confident and encouraging manner. The challenge, he feels, is to normalise the use of Welsh and ensure that exercising the option to use Welsh does not trigger any fuss, delay, singular treatment or 'special provision'. He feels that lessons may be drawn from the experience of Canadian police in their treatment of French and English.

In spite of current weaknesses, CCJ1 pointed to his recent experience of conducting a high profile criminal case almost entirely through the medium of Welsh at a North-West Wales Crown Court. Although certain systemic weaknesses had been highlighted by the case, it had tested current bilingual provision to its limits and the system had been able to respond effectively.

It is evident that CCJ1's sensitivity to language issues is supported by his personal interest in them and this in turn informs the informal and instinctive approach that he is able to adopt when dealing with Welsh speakers before his courts. However, the practices operated by Crown Court judges in general benefit from little formal instruction or guidance on ensuring that Welsh speakers are dealt with in a culturally appropriate manner. Although it is recognised that judges have no formal role in the prior offering and recording of language choice, the low level of judges' formal expectations of the police, the CPS and the Courts in this regard is not currently conducive to improving and embedding language choice provision throughout the system prior to cases being brought before the courts.

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CCJ1 stated that no Welsh Language Scheme requirements are applicable to Crown Court Judges but that Practice Directions had been issued to them on certain aspects of the use of Welsh in courts. In fact, the Practice Directions referred to are appendices to and form part of the statutory Scheme of H.M. Courts Service. The fact that CCJ1 did not link the Practice Directions for judges with any Welsh Language Scheme suggests that there is scope for improved communication of HMCS's Scheme to the judiciary. This in turn could only serve to improve the linkage between the judiciary and the mainstream of continually evolving public service language planning.

Action points for North Wales and Chester Crown Court Judiciary

- Crown Court judges serving in Wales should receive appropriate training, briefings and guidance through the Judicial Studies Board and/or H.M Courts Service on any relevant Welsh Language Schemes' requirements relating to the offering, recording, facilitating and passing on of witnesses' and defendants' language choice.
- Practice Directions for judges in Welsh courts should be reviewed and revised in accordance with current best practice.

Table 10: Information provided by Crown Court Judge

Aspects examined	Summary of interviewee's response
Nature of the commitment (statutory/voluntary) to offer language choice	The Courts Service operates a statutory Welsh Language Scheme, but there is no Scheme specifically covering the duties of judges.
Operating guidelines	Yes – in the form of Practice Directions requiring judges to ask jurors and witnesses whether they would like to take the oath in Welsh or English.
Welsh-speaking staff / staff who are learning Welsh	Inadequate numbers at present. HMCS is currently trying to increase the numbers of bilingual court personnel. Judges have no prior knowledge of the bilingual capacity of court officials, and receive no information to this effect. CCJ1 has some knowledge because of his personal interest in this matter
Training/briefing sessions	Judges receive training from the Judicial Studies Board and have been briefed on the practice directions referred to above. No specific training however with regard to offering language choice, as the onus is not on judges to offer the choice, but to respond to choice determined prior to court appearance.
Translation service	Available when arranged beforehand, but provision is delayed if no prior notice has been received.
Budget for operating bilingually	Not aware of any specific budget, but resourcing bilingual provision is never an issue.

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Nature of the first contact	Initial contact is usually in court, with no prior contact with a witness or defendant taking place. The only exceptions are individuals deemed to be potentially disadvantaged (e.g. children, whom the judge may meet prior to their court appearance).
Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	Not applicable. In court situations, an informal, 'instinctive' approach often works best. At least 50% of cases in Gwynedd are held in Welsh or bilingually. Respondent feels that if language choice were offered formally, many witnesses and defendants would opt to choose English. However, the informal approach cannot be used if the CPS has not provided Welsh speaking prosecutors
Is a language choice offered for written contact?	Statement is usually in English, and this is usually taken as an indication of language choice. However. The respondent usually checks this by consulting with the police.
Is the language choice recorded? How?	To the respondent's knowledge, no record is kept subsequent to any such record that may be used in court.
Is the record of language choice for subsequent contact shared within the agency?	Not applicable once the case has been concluded.
Is the record of language choice shared with other agencies? How?	The respondent's understanding is that the police are expected to make the initial record of language choice and subsequently transfer this to the CPS, who in turn should ensure that it is transferred to the court. However, to the respondent's knowledge, the court has no responsibility for transferring any such record further, e.g. to a prison or detention centre. Therefore there is no transfer of any record beyond the court's use.

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North Wales Probation Service

North Wales Probation Service is one of four Probation Services operating in Wales and deals with offenders, from their first appearance in court up to the time they have completed their sentence. It operates in accordance with national standards and is accountable to the Ministry for Justice. It operates in the courts, in prisons and in the community.

In court it offers expert advice on sentencing options. It also operates with prisoners during the period of their sentence and after release, as well as supervising offenders who have received a Community Order.

Offering language choice

In the respondent's view, there is a continuing need to raise awareness about language issues within the service, with a view to encouraging staff to ensure that they offer a real choice.

One significant obstacle to the provision of a smooth-running and effective service through the medium of Welsh is the programmes provided for offenders by the central Service for England and Wales, i.e. programmes to be followed as directed by the Court (e.g. on Domestic Violence, Sexual Offences, Thinking Skills etc). These are English-only programmes. The Service is trying to translate some of then, but this is a drain on local resources. The Areas in Wales have translated the *Enhanced Thinking Skills* and the central administration for England and Wales have translated *One to One* and is in the process of translating the *Drink Impaired Drivers* course. Generally speaking it is difficult for offenders to follow a programme entirely through the medium of Welsh. Some programmes are delivered bilingually.

Another obstacle is the computer system for risk assessment – a system provided for England and Wales and which operates in English only. Amongst the details recorded are ‘Language other than English’ – which thus assumes that the default language is English.

Action Points for North Wales Probation Service

- All staff should be provided with a continuous rolling programme of language awareness training.
- The systems and working procedures employed should be formalized for proactively offering users a choice of spoken language, for recording that choice and for conveying the information about this formally, both internally and to partners, in order to ensure an appropriate response and appropriate continuity in their chosen language.
- The Probation Service for England and Wales and the Ministry for Justice should be strongly pressed to adopt and follow best bilingual practice in all communication with, and all provision for, the Probation Service in Wales.

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- The Welsh Language Board should be called upon to press the above to facilitate effective, efficient and culturally appropriate operation in Wales.

Table 11: Information provided by North Wales Probation Service

Aspects examined	Summary of interviewee's response
Nature of the statutory/voluntary commitment to offer a language choice	- Welsh Language Scheme - Internal policy explains the rights of staff to use the language of their choice in the workplace.
Operating guidelines	Detailed guidelines on the operation of the Language Scheme including guidance on offering a language choice at the time of the first contact.
Welsh-speaking staff / staff who are learning Welsh	30% of the staff are Welsh-speaking (September 2007). The target in the Language Scheme is 37% (although 35% is the target in the Business Plan). Six members of staff are learning Welsh, 5 during working hours and 1 in the evenings.
Training/briefing sessions	New staff receive training on diversity as part of their induction training – this includes 2 hours on the Welsh language. All new staff also attend a 2 day Welsh Awareness Course run by an external provider. In addition, the new staff Handbook includes information about the Welsh language,
Translation service	A multi-agency contract has been established to secure a quick, efficient and effective translation service. A translation service is also provided in meetings of the Board and of the Staff Committee if someone who does not speak Welsh is present in the latter.
Budget for operating bilingually	Translation budget: £15,000 Welsh language training budget: £6,000 (i.e. 10% of the general training budget)
Nature of the first contact	In court – the Service's Court Duty Officer gives either a 'fast delivery' report on the client or receives a request to prepare one within, say, 5 days. Then the Officer meets the person concerned In prison – an officer gets to know a prisoner during his/her period of imprisonment.
Is a language choice offered for oral contact (e.g. phone, face to face, meetings)?	At the outset of a dialogue with someone, the information recorded includes a question about language choice.

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Is a language choice offered for written contact?	Staff are required to offer a language choice and to record it on the Service's form, whether the first contact is in court or in prison. Many Welsh-speaking users think of the justice system as an English system, and they are more willing to request documents in English instead of Welsh.
Is the language choice recorded? How?	The form asks for a record of language choice, but sometimes staff do not complete the record. The record differentiates between oral contact and written contact – some people want to speak Welsh at an interview but want the report in English. The way this is monitored and recorded on computer needs to be improved. Deal with some cases referred by the Court, with the Court noting the language choice – but not every time, so officers of the Service check this, in accordance with their guidance.
Is the record of language choice for subsequent contact shared within the agency?	The information is recorded on two systems. (i) An electronic record is made and circulated internally. This record is used when passing on information to other agencies; (ii) an English-only 'England and Wales' risk assessment system, which records 'Language other than English'. This is shared with other areas.
Is the record of language choice shared with other agencies? How?	The record is part of the information passed on about the individual. Often the form completed is that of the other agency, and it depends on the opportunity provided on that form. Even so, the record should be passed on.

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The Youth Offending Teams in North Wales

The Youth Offending Teams (YOT) are made up of representatives from a wide range of agencies which include: representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. The YOT identifies the needs of each young offender and potential young offender by assessing them according to a national assessment framework. This identifies the specific problems that cause the young person to offend as well as measuring the risk they pose to others. The team identifies suitable programmes to address the needs of the young person with the intention of preventing further offending. The YOT is managed by a YOT manager who is responsible for co-ordinating the work of the youth justice services locally. The YOTs are answerable to the Youth Justice Board of England and Wales (YJB), which in turn is responsible to the Ministry for Justice.

The work of the YOTs relates primarily to the areas of:

- Crime prevention, when it is believed that a young person is in danger of offending;
- Work with young people to prevent their being brought before a Court – e.g. after a young person has committed a first / second offence and admitted his/her guilt, or if he or she is behaving anti-socially;
- Work relating to Court cases – after a young person has been charged after committing further offences, or if he or she is charged with a more serious offence.

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Gwynedd and Môn Youth Offending Team

The Gwynedd and Môn YOT operates from its offices in Y Felinheli, providing services to young people aged 8 to 18 in the two counties of Gwynedd and Anglesey.

Offering language choice

This Team covers the most most-Welsh speaking area in North Wales. On telephoning the Team on six occasions, a bilingual greeting was given on all occasions by the switchboard operator, and responses were received in Welsh to our enquiries in Welsh. Within the Team's offices there is a predominantly Welsh speaking environment, and awareness of the importance of the Welsh language is an integral aspect of the Team's internal culture.

Like the other Teams, this Team is answerable to the Youth Justice Board of England and Wales. Most of the documentation received by the Team from the YJB is in English only – e.g. guidance documents, leaflets etc. The task of translating these texts into Welsh places a considerable burden on the Team's resources, and distracts officers from their work with young people.

With respect to offering language choice, the two respondents interviewed noted that the public still tends to think of the justice system as an anglicised process, and for historical reasons they are more willing to receive services in spoken Welsh than in written Welsh.

With regard to transferring a record of language preference, one of the Team's great concerns relates to services received subsequently by young offenders detained in remand centres. Many young people are sent to Stoke Heath (Market Drayton) and others sent to Cumbria and Kent, where no substantial good practices have been established for dealing with Welsh speakers. *Respondent 1* had prepared two case studies on these aspects.
Further discussion of this issue is provided in this report's section on the Prisons and Secure Estate.

With regard to resourcing bilingual provision, there is a feeling within the team that although there is much rhetoric from the Welsh Assembly Government and the Youth Justice Board regarding the Welsh language, it is not supported by funding allocations. The previous Strategic Manager had drawn attention to this. This lack of funding for bilingualism affects all the Teams throughout Wales, and the appropriate channel for addressing this matter would be at meetings of the Welsh Teams Managers, but it is felt that the other teams do not accord much priority to linguistic considerations.

Turning to the operational arrangements of the Team, *Respondent 2*
felt that language choice is offered only on a haphazard basis and is over-dependent on the disposition of the individual officer who happens to be working with the young person, rather than being subject to a particular and

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consistent procedure. This is attested by the evidence of the 3 young offenders we interviewed (FYO 1,2,3), all of whom had received initial written communications from the YOT in bilingual format, but none of whom had been asked whether they would prefer a service in English or Welsh for subsequent verbal communications with their case workers. As Team Officers had confirmed that sometimes the record of language choice will not have been entered on the form received from the court, the onus should be on the YOT to rectify this matter by verifying the language choice of clients for written and verbal communications prior to allocating case workers, thus enabling the YOT to respond accordingly.

A further concern expressed by *Respondent 2* is that within the Team, language choice is often offered in a prejudicial way – e.g. "*You're OK for speaking English..?*" In the opinion of one of the two officers interviewed, there is a need to ensure bilingual staff with both the confidence and the ability to use Welsh. This is supported by the evidence of FYO3, a young offender who prefers to speak Welsh and speaks in Welsh at all times when communicating with her case worker. Although the case worker understands spoken Welsh and is well aware of FO3's language preference, because the case worker lacks confidence in her spoken Welsh she speaks in English only when communicating with FYO3.

Both Team Officer respondents felt that there is a need to train staff on the bilingualism policy, in order to ensure compliance and a consistent standard and quality of service, as staff are currently uncertain of the policy and how it should be operated. This inevitably leads to inconsistencies.

Table 12: Information provided by respondents representing Gwynedd and Môn YOT

Aspects examined	**Summary of interviewee's response**
Nature of the statutory/voluntary commitment to offer a language choice	*Respondent 1*: Gwynedd Council's Welsh Language Scheme (it was explained that Gwynedd is the leading sponsoring authority). *Respondent 2:* as above, also the draft Language Scheme of the Youth Justice Board of England and Wales (2006). The respondent did not know whether this draft Scheme had since been approved.
Operating guidelines	*Respondent 1:* None. *Respondent 2:* Staff guidelines on Gwynedd Council's website.
Welsh-speaking staff / staff who are learning Welsh	*Respondent 1*: Membership of the Team is continually developing.Team size = approx.30. including officers from various agencies. Of these, 23 are Welsh speakers, 2 are following Welsh learners' courses and the remainder are non Welsh-speaking.

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Training/briefing sessions	*Respondent 1*: None specifically, but diversities training is provided and the Welsh language is discussed as part of this. The Council (Gwynedd) provides e-learning on this, and it is intended to ensure that all the Team receive this training. In addition, specific Welsh language awareness training is intended for the future. *Respondent 2*: No training or briefing sessions regarding the Gwynedd Council Language Scheme nor the Youth Justice Board's draft Scheme
Translation service	*Respondent 1*: Service available through Gwynedd Council, but because the Team is partly 'outside' the Council, it is not prioritized and sometimes receipt of translations is delayed. The translation of documentation received from the Youth Justice Board of England and Wales is a considerable burden. Information on referral forms is translated internally, and any modifications to forms are also translated internally. *Respondent 2*: Service available through Gwynedd Council. Team meeting are held in English without translation, as non Welsh speakers attend them.
Budget for operating bilingually	*Respondent 1*: No detailed information available – pending the appointment of a new Strategic Manager who will have responsibilty for this. It is known however that although the YJB allocates funding for this purpose (maybe £2,000 - £3,000 p.a.), the allocation is inadequate and unrealistic, for example in view of the volume of traslation work required. *Respondent 2*: No knowledge of this.
Nature of the first contact	*Respondent 1*: Historically the Service dealt with offenders, but there has been a big increase in the preventative work undertaken. With regard to offenders, the Court contacts the Team concerning a person who is to appear before them and asks for a report on them, so this entails contacting the young person. The Team member will complete a form on which (s)he records language choice. A meeting with the young person is then arranged, usually by sending a letter – in bilingual format. *Respondent 2*: A referral form is received from the Court, and a Team member then writes to the young person and his/her parents or guardians. All Team members draft their own initial letters. The respondent was not confident that all initial letters are bilingual because Team members have received no instructions on this aspect.

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Is a language choice offered for oral contact (e.g. phone, face to face, meetings)?	*Respondent 1*: On the basis of the record of language choice (recorded by the Court), effort will be made to allocate a Welsh speaking officer to deal with Welsh speakers. This is not always possible because of the staffing rota. However, if a client expressly indicates that (s)he prefers to receive a service in Welsh, this is arranged. *Respondent 2*: The offering of language choice is part of the workplace culture and is an expectation among the Team. However, if the officer is non Welsh-speaking or prefers to speak English, the offer is perhaps less likely to be made, as no guidance has been received by the Team on this.
Is a language choice offered for written contact?	*Respondent 1*: Reports are not usually written in Welsh, as Welsh speakers usually prefer to receive the documents in English. The Team often deals with individuals verbally in Welsh, but then prepare reports on them in English. The respondent stated that he personally had never seen a report presented in Welsh to the Court. *Respondent 2*: The respondent usually writes in Welsh to individuals and organizations, but does so of her own volition. There is no system or procedure in place to ensure that this is general practice. She always offers language choice, but clients rarely opt to receive written communications in Welsh.
Is the language choice recorded? How?	*Respondent 1*: It is recorded on the Careworks system – a system which records details of ethnicity, religion etc. And which is used to gather statistical information for the YJB. A record is made even though the software does not ask specifically about Welsh, and this is one of the system's shortcomings. *Respondent 2*: All the young person's details are recorded on the Careworks system – but the respondent is not confident that all officers record language choice. Within the Careworks system there is a specific form on the 'Asset' software where the question regarding language choice is included, but it is not a field requiring a mandatory response. The (English only, for internal purpose only) form asks for '*Preferred language (other than English*)', and therefore presupposes that English is the default language.

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Is the record of language choice for subsequent contact shared within the agency?	*Respondent 1*: The record is passed on in 2 reports – one indicating the 'Court Outcome' (a simple A4 form recording the sentence, duration of order, language choice etc), and the other being the 'Court Report Request', which asks for information prior to the case being brought before the Court. This also indicates language choice. *Respondent 2*: No follow-up system within the Team apart from 'Asset' – but all members of the Team can access the record of language choice on that form.
Is the record of language choice shared with other agencies? How?	*Respondent 1*: The Team contacts many subsequent agencies who receive various kinds of information from it, and this information is usually conveyed on various kinds of referral forms. Respondent believes that most of these include a record of language choice, but that an audit of the forms is needed to check that this is a feature of all the forms used. *Respondent 2*: The Asset form is available to others within other agencies, either in electronic format or hard copy.

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Conwy and Denbighshire Youth Offending Team

The Conwy and Denbighshire Youth Offending Team operates from its offices in Colwyn Bay, providing a service to young people aged 8 to 18 in cases arising in the two counties of Conwy and Denbighshire.

Offering language choice

On the two occasions when the service was contacted by telephone, the switchboard's greetings were in English only, and both of our enquiries in Welsh received responses in English, with no offer to be transferred to a Welsh speaker when our communications were initiated in Welsh. When the calls were subsequently transferred to relevant officers, both of the officers to whom we spoke gave greetings in English only.

Respondent 1 noted "*We don't have a huge demand from Welsh speakers, and don't have occasion to use Welsh often."*

In *Respondent 1*'s view there was a need to raise awareness of bilingual matters within the service, with a view to offering a real choice. Reference was made to the initial, English-only, letter currently sent by the Team to young people and initial telephone contact calls from Team members, which are also made in English only. This officer felt that it would be beneficial if all staff were to follow a basic course in Welsh. These points were echoed by *Respondent 2*, who felt that there is a need for staff training and guidelines on good bilingual practice. She had received Equal Opportunities training, but this had not included any references to the Welsh language. *Respondent 1* added that the assumption at present, when providing a service, is that English will be the language employed. This is regarded as the norm, and staff do not give much thought to the matter of language choice.

It is clear that, in several respects, the Team operate in a manner which contravenes the requirements of both Conwy and Denbighshire's statutory Welsh Language Schemes, and the broader Equalities Policy of each authority (of which the Welsh Language Scheme forms an integral part). Areas of non-compliance include:

- dealing with telephone calls received in Welsh
- initiating telephone calls to members of the public
- letter correspondence initiated with members of the public
- recruitment and staffing of front-line posts

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Table 13: Information provided by respondents representing Conwy and Denbighshire YOT	
Aspects examined	**Summary of interviewee's response**
Nature of the statutory/voluntary commitment to offer a language choice	*Respondent 1*: Part of the local authority, and thus coming under Conwy and Denbigh Councils' Equal Opportunities and Language Schemes. Neither the respondent nor anyone else in the Office knew which organisation's Language Scheme is relevant to their work. *Respondent 2*: No written policy applicable.
Operating guidelines	*Respondent 1:* No guidelines adopted. Not known whether the local authority has any relevant ones. *Respondent 2:* No guidelines.
Welsh-speaking staff / staff who are learning Welsh	Employing about 30 people. 5 of those are Welsh speakers. No staff currently receiving Welsh-language training. The Team comprises - 2 officers acting as court officers – one in Prestatyn and the other in Llandudno. Both are non-Welsh speaking. Their duties are part of wider roles - 2 officers from the Police, both non-Welsh speaking - A Custody Officer, who is fluent in Welsh and who visits young people in Police custody suites or in prison - A Victim Liaison Officer, who is non-Welsh speaking - Prevention Team comprising of 3 officers, 1 of whom understands Welsh but is not fluent. According to *Respondent 1,* when recruiting, their policy is to assume that Welsh is essential, and if this is not accepted they have to justify their viewpoint with strong reasons. *Respondent 1* was asked whether the Service had considered that Welsh-language skills could be essential for the role of the court officers. The response was that this was not thought appropriate, since that role formed only part of a wider job. *Respondent 2* was asked how the Prevention Team could provide a service in Welsh without any Welsh speakers in the team. She responded that a Welsh speaker from another team would be requested to provide such a service on their behalf if necessary, on during her period of less than 1 year in post there had been no demand for a service in Welsh.

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Training/briefing sessions	*Respondent 1:* All new officers receive induction training and are informed of the policy. Information about Welsh-language training is regularly offered. *Respondent 2*: No training received on Welsh language matters (this respondent having been in post for less than a full year)
Translation service	*Respondent 1*: Available from the Translation Unit at Conwy Council Headquarters, Bodlondeb. The majority of the material translated: recruitment advertisements, job descriptions. No translation for the service provision aspects. Internal staff undertake some more informal translation. *Respondent 2*: This matter has not arisen, as no-one has requested a service in Welsh
Budget for operating bilingually	No specific budget or budget code. The majority of the costs are treated as 'recruitment costs' since the majority of the translation has to do with recruitment material.
Nature of the first contact	*Respondent 1*: (i) Home visit, or phone call or letter from the team asking them to visit the Office. (ii) The Court refers them to the team, and the first contact is made in Court, with one of the 2 (non-Welsh speaking) court officers *Respondent 2*: Telephone call in English by (Prevention) Team member, followed up by sending bilingual leaflet to client
Is a language choice offered for oral contact (e.g. phone, face to face, meetings)?	*Respondent 1*: Not when making contact by letter or over the phone (the initial letter is usually in English only). But ethnicity and language choice are noted as part of our assessment. People under 16 always have an adult to supervise them, and are always offered a language choice (i.e. even before seeing the Police, our officer asks a series of welfare questions – including chosen language). *Respondent 2:* No – initial contact call is in English, as English is first language of all Prevention Team members
Is a language choice offered for written contact?	*Respondent 1*: The (above) response regarding language choice also encompasses this – when we talk to them we ask would they like to receive any material in Welsh *Respondent 2*: Initial letter is not bilingual and does not offer language choice, but the accompanying leaflet is bilingual.
Is the language choice recorded? How?	*Respondent 1*: On our forms – for our attention internally and for the attention of the Police. The Police also record this on their own system. *Respondent 2*: May be recorded at face to face meeting, but any offer of choice would be made in English only

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Is the record of language choice for subsequent contact shared within the agency?	*Respondent 1*: The Administrative Section inputs the information in our database (with details of sex, date of birth, risks, etc). We can add a box to record the choice for oral and written contact. However, we do not get many Welsh speakers through the system *Respondent 2*: All matters discussed with client are recorded (including language choice if the client raises this (though no clients had done so)
Is the record of language choice shared with other agencies? How?	*Respondent 1*: Information about language choice is passed on when making a referral to another agency – usually on a referral form. At other times over the phone. There is not always a record that this has occurred, if it is not on the form (usually the other agency's form). If there is not an appropriate box, we add the information at the bottom by hand. *Respondent 2*: If client requests language choice we would highlight this in our referral documentation

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Flintshire Youth Offending Team

The Flintshire Youth Offending Team (YOT) operates from its offices in Mold and serves young people aged 8 to 18 in the local authority area covered by Flintshire County Council.

Offering language choice

We made several calls to the YOT's offices in Mold. The reception number was answered in English only each time with no offer to speak to a Welsh member of staff when our enquiry was made in Welsh. Calls to a direct line to a known Welsh speaker were also answered in English saying "Youth Justice Service", though these calls proceeded to be dealt with in Welsh. By telephone at least, Flintshire YOT do not give the impression of welcoming and encouraging contact in Welsh.

Of the 30 members of the Flintshire YOT, 3 members of staff speak Welsh. These are the Court and Resettlement (CR) Officer, the Intensive Supervision and Surveillance Programme (ISSP) Officer, and the Parenting Coordinator. According to *Respondent 1*, internally produced documents are translated into Welsh and the forms used to compile young person's record files include a question on language choice. *Respondent 1* also felt that given the lack of demand for the use of Welsh among young people in the county, the system "works very well here, youngsters always get the opportunity to use Welsh."

If a young person is identified as Welsh-speaker then their case will be assigned, if possible, to a Welsh-speaking YOT member of staff. For example, the Welsh-speaking CR officer who typically deals with pre-court and bail cases has been assigned to do post-court Court Order work with a Welsh-speaking young person in order to meet that young person's language needs. The CR officer told us that using Welsh "mae'n helpu pethau 'mlaen pan dach chi'n datblygu perthynas gyda rhywun mae'n gwneud y berthynas yn well wrth siarad Cymraeg" ("helps things along when you're establishing a relationship with someone it's a better relationship when you speak Welsh").

According to *Respondent 1* cases where a young person wants to do everything in Welsh in Flintshire are "very very very rare". In one case, it was felt that the young person's request to have letters in Welsh "was only trying to be funny". In general, the team do not come across requests to use Welsh. *Respondent 2* said, for example that she had only come across two cases where the young person who attended court spoke Welsh as their main home language with family members. The Welsh-speaking young offender we interviewed said that she felt it was important, even in an area like Flintshire where the number of Welsh-speaking young people was not as high as in other parts of Wales, for all first language Welsh speakers like herself to be offered the opportunity to use Welsh.

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"Ond dyle nhw dal offro ti cael siarad Cymraeg [yn Sir y Fflint] Wel, os mae'n iaith gyntaf pobl, fydd pawb eisiau neud o'n ei iaith ei hun. Dweud bod rhywun yn Polish a mae nhw di neud rwbeth, a mae nhw eisiau fo yn Polish, wedyn oherwydd mai dyna ydi iaith gynta nhw, bydd nhw'n gallu neud o'n Polish. So dwi'n gallu deud bo fi eisiau neud o'n Gymraeg achos mai dyna ydi'n iaith gyntaf i." (FYO4)

TRANSLATION: "But they should still make the offer for you to speak Welsh [in Flintshire]. Well if it's people's first language, everone will want to do it in his own language. Suppose that someone's Polish and they do something, and they want it in Polish, because that's their first language, they'll be able to do it in Polish. So I can say that I want to do it in Welsh, because that's my first language." (FYO4)

This young person said that when given the choice, she would always choose to use Welsh rather than English. In her case, she had not been given this choice in most of her dealings with the police, courts and pre-court work with the YOT. She gave Flintshire police a score of 0 out of 10 for not giving her the opportunity to use Welsh even though they knew she was first language Welsh; the court (in Mold) deserved 1 out of 10, since she wasn't given the opportunity to use Welsh at all when she went before the court, but a Welsh-speaking YOT Court officer did speak to her in Welsh when she noticed the young offender talking Welsh to her mother. For her pre-court work with Flintshire YOT she gave them 3 or 4 out of ten because a Welsh-speaking member of the team was only present from time to time. Post-court, she felt the YOT deserved 9 out of 10 because she had been assigned a Welsh-speaking member of staff and had been able to speak Welsh with her.

Court Order work for young offenders cannot be fully conducted through the medium of Welsh. The worksheets, books, DVD's and materials for such Court Order work are drawn from many sources within the County Council (e.g. health, housing, education), independent voluntary organisations (e.g. NACRO), the National Probation Service and the Youth Justice Board. According to *Respondent 2*, all these materials are produced in English – so work with Welsh-speaking young offenders tends to involve speaking in Welsh and doing written work etc in English. For the young offender we spoke to, being able to speak with YOT staff was more important than being able to have all the written materials for her Court order work in Welsh also.

In Flintshire, it would appear that a young person's first language is not communicated to the YOT via the Police notification form. Similarly, the NAIREY Report which details offence, statements etc does not identify preferred language. We were told that the Youth Offending Team are therefore not given any prior indication of a young offender's first or preferred language before meeting them at court which makes it difficult to arrange for one of the team's Welsh-speaking staff to be present when a Welsh-speaking young person appears before the court. This was confirmed by the experience of the young offender we interviewed. However, it is also apparent that this young offender had been involved with the Flintshire YOT prior to going to

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court. In such cases, the YOT's internal record of an offender's language preference, should be checked routinely to ascertain the language profile of young offenders who appear before the court. In the case of the young person we interviewed, she was offered the opportunity to use Welsh because a Welsh-speaking member of the YOT heard her talking Welsh to her mother at court rather than because the record-keeping procedures of the YOT, Police and Court had ensured that her language preferences were known and catered for in advance.

Even though Flintshire YOT can and does make the effort to accommodate young people's preference for using Welsh on the occasions that this arises, the level of Welsh language provision is patchy in comparison with the provision available in English because:

- Youth Justice Board forms, literature and materials are not available in Welsh
- Materials used in prevention and post-court sessions are in English
- Secondary workers who provide services tailored to the various needs of young offenders are typically non Welsh-speaking.
- The only level of Welsh language provision which can be guaranteed is that internally produced literature are available in Welsh and bilingually and the opportunity when possible to speak to Welsh-speaking members of staff

Table 14: Information provided by respondents representing Flintshire YOT

Aspects examined	Summary of interviewee's response
Nature of the commitment (statutory/voluntary) to offer a language choice	No bilingual policy specific to the YOT but have to be bilingual because of Welsh Language Act. [No mention made by manager of Flintshire County Council's statutory Welsh Language Scheme which is applicable to all unitary authority services including YOT].
Operating guidelines	None.
Welsh-speaking staff / staff who are learning Welsh	Some 30 members of YOT team. No precise details of Welsh speaking staff available but estimated as being 20% - 30%. None of the administrative staff speak Welsh. No staff learning Welsh at present.
Training/briefing sessions	No Language Awareness Training provided. Welsh language training offered by Flintshire County Council but training is 'luck of the draw' rather than planned in relation to delivery of services. No perceived demand for Welsh language skills training within YOT members.
Translation service	Have translated some forms and information leaflets. Used Council's translation service. Internally edit translated text to make it more reader friendly –this done by Welsh speaking YOT staff.

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Budget for operating bilingually	No budget – have to juggle internal finances to fund translation etc. This is perceived to be an issue and additional funding for this purpose would be useful.
Nature of the first contact	(1) Prevention /Early intervention – manager unsure whether language preference is recorded in the police report. (2) At court. No prior information given to YOT regarding young person's language preference. NAIREY report does not indicate language preference. Can only identify language preference when they meet the young person at court. Flintshire YOT has 1 Welsh-speaking court officer who will initiate conversation in Welsh if she recognises the young person speaks Welsh.
Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	Yes, one of questions asked on forms for young people is about their preferred language. If young person prefers Welsh, Flintshire YOT can accommodate. On the occasions we telephoned the YOT, all calls were answered in English with no offer to be transferred to a Welsh speaker when requests were initiated in Welsh.
Is a language choice offered for written contact?	Yes and No. All internally produced forms and leaflets are bilingual. Youth Justice Board produced texts only available in English.
Is the language choice recorded? How?	Yes Note on language preference made on CAREWORKS system.
Is the record of language choice for subsequent contact shared within the agency?	Yes, all members of YOT refer to the same CAREWORKS system.
Is the record of language choice shared with other agencies? How?	Language preference would be passed on if relevant.

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Wrexham Youth Offending Team

The Wrexham Youth Offending Team (YOT) operates from its offices in Wrexham and serves young people aged 8 to 18 in the local authority area covered by Wrexham County Council.

Offering language choice

In Wrexham, the Youth Offending Team is only capable of providing a very limited amount of its services and support to local young people through the medium of Welsh. According to its manager, the team "would struggle to provide any Welsh service". The YOT in Wrexham has no Welsh speakers on its prevention team even though Welsh is 'desireable' on the job description, and has only 3 Welsh speakers who can deal with post-court work. We were told that the need for services in Welsh isn't there and that in Wrexham "there is a more apparent need for Polish, Turkish or Portugese rather than Welsh" and that "offering Welsh language choice is not seen as a priority - which is wrong, we make a total assumption that English is the only language."

According to the manager, it would be "really beneficial" to have Language Awareness Training. She also identified a need for Wrexham unitary authority's statutory Welsh Language Scheme to be promoted among YOT members, with clear guidelines to staff on how to answer the phone and deal with written correspondance.

Table 15: Information provided by respondents representing Wrexham YOT

Aspects examined	Summary of interviewee's response
Nature of the commitment (statutory/voluntary) to offer a language choice	No bilingual policy. Manager had worked in Denbighshire previously where she was used to everything going out bilingually and surprised to find this not the case in Wrexham. Staff not sure how to answer phones and letters. The team have highlighted the need for staff to learn Welsh.
Operating guidelines	No guidelines for staff. Promotion of Council's Welsh Language Scheme needed among YOT team members.
Welsh-speaking staff / staff who are learning Welsh	Around 34/35 members of the YOT team, only 3 (post court staff) are Welsh speakers. Of the 9 staff who do prevention work, none speak Welsh. No staff learning Welsh at present.
Training/briefing sessions	Team members haven't ever had Welsh language training. Team now developing a programme for in-house training. Some staff identified a need to learn greetings in Polish. A couple want to learn Welsh. Have

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	looked into it but the training is not very accessible. Manager has done 2 years of evening classes. Wants to do an intensive week and has offered to pay herself. Diversity (gender/sexuality) training available but don't do anything about language. It would be really beneficial to have Language Awareness Training.
Translation service	Have had some signs translated. Used County Council translation service.
Budget for operating bilingually	No budget.
Nature of the first contact	(1) Letters and phone calls followed up with letter of appointment/arrange home visit. Letters in English, address is the only part that's bilingual. Use Youth Justice Board templates – all of these are in English. (2) For offenders, Court refers them to us. First contact is with court officers (none Welsh-speaking).
Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	Haven't yet offered language choice and if we needed to we couldn't even though we should be able to. Pre-court no W-speaking staff available to provide service. Post court – 1 Welsh speaking Youth Offending Services Officer has just been appointed, 1 bilingual victim liaison officer writes letters in Welsh to local Welsh schools. 1 sessional worker speaks Welsh as their first language. Could provide 1 to 1 work on anger management etc. in Welsh. Has had 'ad hoc' conversations in Welsh with one individual but not delivered a course fully in Welsh.
Is a language choice offered for written contact?	No
Is the language choice recorded? How?	Assessment document records details concerning each Youth Offender. Hand written paper documents are typed up onto electronic CAREWORKS system. First page asks for name, date of birth, ethnicity, no specific question on language choice.
Is the record of language choice for subsequent contact shared within the agency?	We complete a referral form. Manager didn't know if there is a question on language choice on the referral form, thought probably not.
Is the record of language choice shared with other agencies? How?	It would be possible if emphasised as necessary using Electronic Multi-agency Referrals System

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Some general comments on the North Wales YOTS

Since the shortcomings discussed in the section above on the Gwynedd and Môn YOT relate to the Team which has the strongest Welsh language ethos, the highest proportion of Welsh speaking staff and probably the highest levels of language sensitivity and awareness in the whole of Wales, it is not surprising that these shortcomings are very significantly magnified in the other 3 North Wales YOTs, where the proportion of bilingual staff is negligible, levels of language awareness are minimal and where even the concept of offering language choice is apparently unfamiliar.

The responses received from respondents in the Conwy and Denbighshire YOT, the Flintshire YOT and the Wrexham YOT highlight certain aspects of the internal culture of those Teams, i.e.

- Current bilingual staffing levels are inadequate and there is almost no capacity for providing services of equal quality, breadth and availability in both Welsh and English as is required by the 1993 Welsh Language Act and the relevant statutory Welsh Language Schemes
- The current staffing profile is such that workplace culture is overwhelmingly anglicised in ethos and working practice, with low levels of language sensitivity awareness. English is regarded, inappropriately, as the 'default' language or norm for communications skills deployment in all interface situations with clients, and any arrangements to use Welsh 'on request' are effectively a deviation from this 'norm', and cannot currently be readily deployed to the same professional standards as arrangements for a service in English.
- There is little recognition or awareness within these Teams of how the above staffing profile may influence client perceptions and expectations of the Teams, and the Teams' own perceptions of any 'demand' for the service.
- No focus has been applied to the obvious discrepancy between the incidence of Welsh speaking among young people in the YOTs' catchment areas (some of which, in Conwy and Denbighshire, include some of the most Welsh speaking areas in Wales) and the absence of Welsh language cases handled by the Teams.

Action points for North Wales Youth Offending Teams

- The staffing profile of each Team should be reviewed with a view to ensuring adequate front line capacity to offer real language choice to users and to communicate with them in their chosen language
- There should be a review of all systems employed for:
  - offering language choice to service users proactively rather than on request
  - formally recording users' language choice in such a way as to differentiate between language choice for both oral and written communications

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  - formally conveying information on users' language choice both internally and to partner organizations in order to ensure an appropriate response and appropriate continuity of service in their chosen language.
- All staff should receive Welsh language awareness training aimed at developing an understanding of and sensitivity to the issues concerning the local authorities' Welsh speaking population. This training should also identify ways of proactively encouraging Welsh-speaking young people to use Welsh or a mixture of Welsh and English as they prefer.
- The staff of all Teams should receive operating guidelines and briefings on the measures and commitments of the Welsh Language Scheme relevant to them
- Welsh language training should be offered to all staff as part of their personal and professional development.
- The Youth Justice Board for Wales and England, which is in turn answerable to the Ministry for Justice, should be strongly pressed by the Teams to
  - adopt and operate good bilingual practice in all its communications with and provision for the Youth Justice Teams in Wales
  - collaborate with local authorities and other organisations to produce bilingual materials e.g. Behavioural Management Plans for use with young offenders in prevention and post-court order work.
- The Welsh Language Board should be strongly pressed to bring pressure to bear on the above agencies, and on secure establishments which detain young people from Wales, in order to facilitate and provide efficient, effective and culturally appropriate services for Welsh speakers.
- A working group of senior managers drawn from all North Wales YOTS should be established to address and implement the above recommendations, with a view to sharing best practices, materials and working methods and standardizing the quality and availability of provision and procedures throughout North Wales. The working group to report to the North Wales Local Criminal Justice Board.

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North Wales Local Criminal Justice Board

The North Wales Local Criminal Justice Board operates from its offices in St.Asaph. It performs a co-ordinating function in terms of "*bringing together the chief officers of key Criminal Justice Agencies in order to provide better co-ordinated and more cohesive working arrangements within the Criminal Justice System*". It includes representatives from:

- North Wales Police
- The Crown Prosecution Service
- Her Majesty's Courts Service
- The Probation Service
- Youth Offending Teams
- The Prison Service

According to its website, the Board has "*a very significant role to play in maintaining, supporting and improving the quality of life for people in North Wales through the vital task in the fight to reduce crime and bring more offenders to justice.*"

Offering language choice

When the service was contacted by telephone, a bilingual greeting was provided by the switchboard and a Welsh response was given to our Welsh-medium enquiry. When the call was transferred, a bilingual greeting was also received from the officer questioned but it was not possible to conduct the interview through the medium of Welsh.

When the Board's website was searched for relevant information, it was noted that only the homepage is bilingual. However, the page listing the documents that can be downloaded includes some separate Welsh-language versions. No document was found on the website expressing any commitment towards the Welsh language or towards offering language choice to service users.

This does not reflect the good work undertaken by the Board in promoting Welsh. A notable example of this is the fact that the Board has identified three current priority areas, i.e., reducing crime, victims and witnesses and the Welsh language. Identifying Welsh as a priority in this way is an innovative and unique step among the Boards in Wales, and is indicative of the progress made by this Board in raising the profile of the Welsh language in a strategic and operational manner. Furthermore, although it is not incumbent upon the NWLCJB to produce a Welsh Language Scheme, it has established a Welsh Language Sub-Committee and has more recently voluntarily adopted a *Welsh Language Protocol* (See Appendix 2).

Notwithstanding such significant progress, within the particular operational context examined here, the Board's staff do not have any formal procedures in place to ensure that proactive measures are taken to offer Welsh language choice. At the time of interview and prior to the adoption of the *Welsh*

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Language Protocol, the respondent indicated that staff were reliant upon what was described as their 'thorough internal understanding' of the Board's expectations for operating bilingually.

As in the case of the three other Local Criminal Justice Boards in Wales, this Board is accountable to the Office for Criminal Justice Reform (OCJR) which, in turn, is accountable to the Ministry for Justice. In the past, before Wales was managed as a single area separate from England, OCJR seemed to have little understanding of or sympathy for the nature and requirements of bilingualism in Wales. Since the appointment of one Performance Advisor for Wales, the OCJR has come to recognise the importance of Welsh language issues in Wales and currently provides a budget to cover some translation costs, although this budget is not currently sufficient to enable this Board and the other Boards to operate completely bilingually. At present, there is no funding available to finance further bilingual services.

Action points for North Wales Local Criminal Justice Board

- The Board should adopt a Welsh Language Scheme.
- Operating guidelines should be prepared for the Board's staff based on the above Scheme and current Welsh Language Protocol.
- In order to ensure uniformity of service and standards throughout Wales, the NWLCJB should actively encourage all the other LCJB's in Wales to adopt its Welsh Language Protocol.
- Considerable pressure should be brought to bear on the Office for Criminal Justice Reform (OCJR), which is accountable to the Ministry for Justice, to adopt and follow good bilingual practice in all dealings with and provision for the Local Criminal Justice Boards in Wales.
- The Welsh Language Board should be called upon to press the OCJR to facilitate the provision of effective, efficient and culturally appropriate services to Welsh-speakers.
- Language awareness training should be provided to all of the Board's staff.
- Welsh language training should be offered to all staff as part of their personal and professional development.

Table 16: Information provided by respondent representing North Wales Local Criminal Justice Board

Aspects examined	Summary of interviewee's response
Nature of the commitment (statutory/voluntary) to offer a language choice	At the time of interview, the respondent stated that the Board did not have a written policy on bilingualism or a Welsh Language Scheme. [A *Welsh Language Protocol* has subsequently been adopted as of November 2007.]
Operating guidelines	None. '*Only the Board's expectations'* according to the respondent, and the respondent added that he would expect the Board's Welsh Language Sub-group to establish policy and guidelines.

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Welsh-speaking staff / staff who are learning Welsh	Of the three staff members, there is one non Welsh-speaker, one Welsh-speaker (Performance Officer) and one learner (Communications Officer).
Training/briefing sessions	None during the two years since the respondent was appointed.
Translation service	No internal translators but the translators employed by the Courts Service are used.
Budget for operating bilingually	During the previous two years, the respondent had succeeded in securing £7,000 per year from the OCJR for each of the four Justice Boards in Wales. However, this budget is wholly inadequate to meet all the needs of operating bilingually.
Nature of the first contact	The Board does not have much direct contact with the public. It operates as a secretariat which brings together different agencies within the justice sector. What little direct contact the Board has with the public takes place by telephone and through correspondence.
Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	All the staff answer the telephone bilingually. The public are welcome to speak Welsh on the telephone and if the fluent Welsh-speaker is present in the office, an appropriate response can be provided in Welsh. The Board routinely arranges that it attends public events (e.g. the National Eisteddfod and the Urdd Eisteddfod, conferences and so on) on a joint basis with other agencies from the justice sector, therefore no difficulties arise in terms of ensuring that Welsh-speaking staff are available to deal with the public. The LCCS project is administered on behalf of the magistrates and Probation Service. The aim of this project is to inform various groups (e.g. schools, Rotary groups and so on) of the work of the magistrates and Probation Service. When contacting such organisations, the Board routinely asks in which language they would like to receive the presentation. Mock trials are sometimes held in schools with the pupils playing different roles. Schools are offered a language choice, and mock trials are often held through the medium of Welsh.
Is a language choice offered for written contact?	Welsh letters are answered in Welsh. Bilingual newsletters are distributed.
Is the language	N/A The Board's direct contact with members of the

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choice recorded? How?	public is limited to its 'community engagement' activities such as the Eisteddfod.
Is the record of language choice for subsequent contact shared within the agency?	N/A - See above.
Is the record of language choice shared with other agencies? How?	N/A - See above

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Legal Services Commission

The Commission runs the Legal Aid system in England and Wales ensuring that individuals receive the advice, information and legal support they need. It works with solicitors and not-for-profit organisations to provide services.
When telephoning the service, a bilingual greeting was provided by the switchboard but a response was received in English to our Welsh-medium enquiry before the call was transferred. After the call was transferred, a bilingual greeting was obtained and a Welsh-medium response was given by the officer to the enquiry although the message on her answering machine was in English only.

The Commission's main office is in London and it has 12 offices outside London. The only office in Wales is located in Cardiff.

Although the Commission produces bilingual materials and forms and provides a bilingual telephone greeting, it has not adopted the practice of proactively offering a language choice to visitors or callers other than those who call the Welsh language helpline specifically. Current provision is based providing Welsh language services on request.

Solicitors are not dealt with in the same way as the 'public' for the purposes of the Language Scheme. It was noted that the Wales office proactively deals with the London head office on matters relating to the Welsh Language Scheme. Some issues have been identified, specifically, the computer system storing the Commission's central database cannot process bilingual inputs or outputs. However, it is understood that the system is to be changed in a few years, and an understanding has been reached with the Welsh Language Board that any new system should be able to process bilingual material.

Action Points for Legal Services Commission

- The Commission's central administration in London should be strongly pressed to adopt and implement good bilingual practice in all correspondence and all provision for the Commission's work in Wales.
- The Welsh Language Board should press the above in order to facilitate the provision of effective, efficient and culturally appropriate services for Welsh speakers.
- Consideration should be given to adopting the principle of proactively offering language choice to all service users whether they are members of the public, solicitors or other agencies, incorporating this principle in the Welsh Language Scheme at the appropriate time.
- Steps should be taken to revise and reform all systems in order to proactively offer users a language choice for verbal and written contact, record the choice made and share the information internally and formally with partners, thus ensuring an appropriate response and appropriate continuity of service in the language of choice.

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Table 17: Information provided by respondent representing Legal Services Commission	
Aspects examined	**Summary of interviewee's response**
Nature of the commitment (statutory/ voluntary) to offer a language choice	Welsh Language Scheme approved by Welsh Language Board on 16 March 2006.
Operating guidelines	Guidance on the Scheme's main measures – answering the phone; correspondence; face to face response.
Welsh-speaking staff/ staff who are learning Welsh	Of the 50 – 60 staff in Cardiff, about 4-5 can speak Welsh and 3-4 can understand Welsh but do not have enough confidence to speak the language. In terms of Welsh language training, every one of the 4-5 fluent speakers have followed a Welsh language improvement course, and around 20 of the non Welsh-speaking members of staff receive Welsh lessons in the workplace.
Training/briefing sessions	All of the staff in the Cardiff office have been briefed regarding the Language Scheme, and the departmental heads in the main office in London have also been briefed regarding the Welsh Language Scheme's requirements and its implications for the service in Wales. Additionally, guidance on the scheme is available on the intranet, and this guidance is updated regularly.
Translation service	No internal translator is employed but an external agency in Cardiff is used. Not much translation work is produced. The Commission deals mainly with solicitors and in general, no material is translated for solicitors apart from the material they subsequently use with the public. The main materials which are translated include forms and material for the Commission's website.
Budget for operating bilingually	There is a budget for translation e.g. within the 'communication budget', but there is no separate budget under a specific heading.
Nature of the first contact	The Commission has very little direct contact with the public. The main initial contact is made through the form received from the solicitor. When an individual is kept in custody and the Commission arranges that he/she sees a solicitor, the solicitor will complete a form on his/her behalf. The contact is nearly always established through the solicitor.

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Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	There is a Welsh language phone line, and every telephone call is answered bilingually. In terms of face to face contact, the services of a Welsh-speaking officer are not offered but if someone asks for a Welsh-speaking officer, one of the 4-5 fluent speakers are called to deal with the individual. Visitors and those phoning the standard line are not asked whether they want a Welsh language service, but the Commission responds positively to everyone who requests a Welsh language service. It is not thought that anyone apart from those who have used the Welsh language helpline have asked specifically for a Welsh language service. In addition to the above, there are 2 new telephone services: CLA Direct (Community Legal Advice Direct) – an individual can telephone this service directly to enquire about any civil matter. A Welsh-speaker will be available on request (even though the service is operated from outside Wales). CDS Direct – (Criminal Defence Service Direct) – started in January 08. An individual in custody can ask for assistance from a solicitor. This contract was won by 3 law firms in London but the Commission is undertaking an audit of solicitors in Wales who would be willing to provide a Welsh language service as required. In such cases, it is the custody officer's responsibility to offer language choice.
Is a language choice offered for written contact?	Correspondence with solicitors represents most of the Commission's written contact, and sometimes copies are sent to the individual in question. No language choice is offered, but the Commission responds favourably to an individual asking for Welsh language material. Forms prepared for the public (but not those prepared for solicitors only) are bilingual. A Legal Aid Certificate (stating that the individual is eligible, how much aid is provided and the terms) is produced in English only by a computer system (CIS) operated in London. The system does not produce bilingual materials. Generally, copies of the certificate are produced for the solicitor and the individual. If someone asks for a Welsh version of the certificate, the office in London will forward the details to the office in Cardiff who will make arrangements for the certificate to be translated.
Is the language choice recorded? How?	Computer records are kept. See below.

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Is the record of language choice for subsequent contact shared within the agency?	On the computerised record-keeping system used internally, there is a memo pad on the screen where the officers record the individual's details and his/her language choice if he/she has asked for a Welsh language service.
Is the record of language choice shared with other agencies? How?	Only if a Solicitor or other agency asks for the information. Solicitors are reminded to ask their clients whether they wish to have a Welsh language service in Court.

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The Law Society (Wales Office)

The Law Society (LS) is the statutory regulatory body for solicitors in England and Wales, employing some 800 staff. The Society's functions are to both represent and regulate solicitors. There are some 98,000 solicitors on the Roll of Solicitors for England and Wales with around 3,500 with addresses in Wales. The Wales Office in Cardiff employs 6 members of staff whose responsibilities include:

- representing the Law Society in all areas of Welsh public life;
- providing the secretariat for the Wales Committee for Welsh legal issues;
- providing Continuing Professional Development (CPD);
- being an umbrella organisation for 17 local law societies in Wales;
- encouraging younger members to become actively involved in the LS;
- maintaining strong links with the National Assembly, Westminster, and European Parliament;
- informing the profession on all legal matters in the devolved subject areas.

The Wales Office also provides direct help to the public by handling complaints from clients, making referrals to solicitors, publishing information leaflets, and running schemes that offer access to legal services.

Offering language choice

With regard to providing a genuine language choice to its members and the public, The Law Society Wales Office is an example of an organisation following best practice in several areas of operation. It has voluntarily adopted and implements a Welsh Language Scheme which sets out how it will treat Welsh and English on a basis of equality when providing services to the public in Wales. Most importantly, it has recognised the importance of employing sufficient Welsh speakers to provide an effective bilingual service. By insiting, as a matter of principle, that all of its 6 members of staff are fully bilingual, all aspects of the LS's work in Wales can be conducted in Welsh or bilingually as appropriate. Our several telephone enquiries to the Wales office confirmed that the telephone was consistently answered with a bilingual greeting and that all the individuals who answered the telephone were fluent Welsh speakers. It has been beyond the scope of this study to verify whether Welsh speakers whose initial contact with the LS is not through the Wales Office are offered the opportunity to use Welsh as efficiently and effectively as the Welsh Language Scheme states.

The Law Society's database of solicitors Solicitors-online.com permits a search for solicitors who can provide their specialist service in Welsh.

The LS Wales Office provides advocacy courses in Welsh in response to demand. These provide an excellent opportunity for fluent Welsh speakers to gain the confidence in conducting court cases through the medium of Welsh.

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When viewing the LS website we found it not possible to access the Wales Offices' Welsh language pages from within the main website. Although the 'Work in Wales' page states that the Wales Office offers a bilingual service, their Welsh language pages could only be accessed by using the Welsh title Cymdeithas y Cyfreithwyr in a search engine such as Google.

While we recognise that it is not a function of the LS Wales Office to press upon solicitors regarding their language use with clients, several individuals interviewed in the course of this study have emphasised that the LS Wales Office could play a positive role in raising awareness and disseminating best practice with regard to offering clients language choice.

Action points for Law Society (Wales Office)

- The Law Society should make the Wales Office Welsh language website pages easily accessible from the main English language website, specifically the page on 'Work in Wales'.
- The LS Wales Office should consider identifying the need for and providing other forms of Welsh language 'proficiency'/ specialist training for solicitors
- The Wales Office of the Law Society should liaise with the Legal Services Commission with a view to identifying the need for and providing other forms of Welsh language 'proficiency'/ specialist training for solicitors
- The Wales Office of the Law Society should liaise with the Legal Services Commission with a view to drawing up and disseminating to solicitors in Wales best practice principles and guidelines regarding language choice.

Table 18: Information provided by respondents representing The Law Society (Wales Office)

Aspects examined	Summary of interviewee's response
Nature of the commitment (statutory/voluntary) to offer a language choice	In recognition of its public role in Wales, the Law Society has adopted a voluntary Welsh Language Policy which was endorsed by the Welsh Language Board on the 24th November 1999.
Operating guidelines	According to its language policy, guidance to staff on the Welsh Language Scheme is delivered where appropriate through staff handbook, information sheets and induction training. According to our enquiries, the staff handbook is in the process of being revised.
Welsh-speaking staff / staff who are learning Welsh	All 6 members of the Wales Office staff in Cardiff are fully bilingual (manager, training development executive, development executive, external affairs executive, policy adviser, PA/office manager); a further 3 in the England and Wales business enquiries unit are also bilingual
Training/briefing sessions	Language plan states that training is given to staff who wish to learn Welsh. In practice none necessary at the

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	Wales Office since, as a matter or principle, all staff appointed are fluent Welsh speakers.
Translation service	All Wales Office staff fully bilingual therefore no need for internal translation service. Appropriately qualified external translators/interpreters used as necessary.
Budget for operating bilingually	None specifically. Case made by Wales Office manager to ensure adequate budget available for provision of advocacy courses in Welsh and document translation.
Nature of the first contact	Telephone and written correspondence typically regarding complaints from clients, referrals to solicitors, information leaflets.
Is a language choice offered for verbal contact (e.g. phone, face to face, meetings)?	Yes, all the Wales Office staff answer the phone bilingually and can deal with all enquiries fully in both languages. Language Plan states that the LS can arrange for its office in Wales to return telephone calls to Welsh callers if no Welsh speakers available at initial point of contact.
Is a language choice offered for written contact?	Yes. According to its language plan, letters written in Welsh are answered in Welsh and letters written in English answered in English
Is the language choice recorded? How?	Yes, on an internal database for the receipt of material in Welsh.
Is the record of language choice for subsequent contact shared within the agency?	Yes
Is the record of language choice shared with other agencies? How?	N/A

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Section 3: The Prisons and Secure Estate

The experience of Welsh-speakers from North Wales

There has been concern for some time regarding the experience of Welsh-speaking offenders who are sent to prisons or secure institutions in England. In their strategy to reduce re-offending, the National Offender Management Service (NOMS), Welsh Assembly Government (WAG) and Youth Justice Board state as follows:

"For several years, professionals have been expressing concern at the number of prisoners who have to serve their custodial sentence in prisons in England, particularly vulnerable groups such as women and young people. Aside from the obvious difficulties in retaining family contact due to the distance families and friends are required to travel, there are real issues in relation to Welsh language. At a time when offenders can be most vulnerable, the facilities are not readily available for them to communicate in their own language. If prison establishments in England are going to comply with the Welsh Language Act and provide interventions in a way that is going to be effective for Welsh speaking offenders, this area of work needs proper attention".[5]

It was not part of the brief for this study to visit more than one custodial prison, namely HMP Altcourse, Liverpool. In this section, we provide a brief summary of our findings in relation to the Welsh language provision in that prison, as well as commentary on the secure estate that receives young and adult offenders from North Wales. This summary is based on the experiences of the one young offender and nine adult offenders we interviewed, and on the findings of two other key studies undertaken recently.

Young offenders in custody

> "We are concerned about the effects on Welsh speaking young offenders of being held in establishments where insufficient priority is being given to their language needs. We believe that holding young offenders in establishments a long distance from home in an environment that does not encourage them to use their first language is likely to undermine efforts to engage and rehabilitate them and ultimately to reduce re-offending rates."
> (House of Commons, Welsh Affairs Committee Report *Welsh Prisoners in the Prison Estate* (2007))

No precise figures are available regarding the number of Welsh-speaking **children and young people** from North Wales who are remanded or sentenced to custody. At present, there are no secure establishments in North Wales and young offenders are sent to Secure Training Centres (STC),

[5] National Offender Management Service, Welsh Assembly Government, Youth Justice Board, *Joining Together in Wales: An adult and young people's strategy to reduce re-offending*, January 2006, paragraph 3.1, p20.

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Secure Children's Homes (SCH), or Young Offender's Institutions (YOI) in England. A study by the Youth Justice Board (YJB) has recently reviewed the current provision of Welsh language services in the secure estate for young offenders from all over Wales.[6] According to this study, 163 young offenders from all over Wales were in custody in England and Wales on 31-07-07. Of these 163 young offenders, 34 (20.9%) originated from North Wales. The YJB study gained statistics from 13 of the 18 Youth Offending Teams in Wales, giving a snapshot cohort of 121 of the 163 children and young people in custody on 31-07-07. In this snapshot cohort of 121, 8 young people were reported as having Welsh as their first language. Seven were from Gwynedd and Ynys Môn and one was from Carmarthenshire. Six of them were boys and two were girls.[7]

Key findings of the YJB report include:

- "Key opportunities to identify the first language of young people in the Youth Justice System are being missed due to poor document design or perhaps lack of awareness among staff in the Youth Justice System.
- Of the three secure establishments in England with the highest concentration of Welsh young people only Stoke Heath YOI offers Welsh language classes to young people in keeping with the Welsh curriculum. Ashfield YOI is currently endeavouring to recruit a member of staff to deliver these services. Eastwood Park YOI does not offer Welsh language classes as part of the education curriculum.
- Welsh young people who are first language Welsh speakers are predominantly placed in English prisons where their ability to communicate effectively is compromised."[8].

The YJB study interviewed 3 young offenders who were first language Welsh speakers. All three reported having difficulties as a consequence of being Welsh speakers in custody in England. These difficulties included:

a. "Not receiving education through the medium of Welsh having been educated in the community in a Welsh medium school.
b. Not been allowed to speak Welsh to each other. Two young people reported being asked not to speak Welsh. Secure establishments were also asked if there were any occasions when a young person may be asked not to speak Welsh. 21.4% of the establishments reported that there had been occasions when young people were asked not to speak Welsh. Examples of secure establishment comments regarding this are:
"Only in situations where it was being used in an abusive/ derogatory manner"
"This would only occur if it was felt that there was a threat to security"
c. Not having anyone either young person or staff member available to speak Welsh with"[9].

[6] Youth Justice Board (2008) *Welsh Language Provision in the Secure Estate.*
[7] Ibid., para.32.
[8] Ibid. p. 6.
[9] Ibid. para.53.

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In our study, we were able to interview one female young offender who had experience of custody. The evidence of this young offender (FYO3), who spoke of her experience in a number of secure institutions outside Wales, and one in south Wales, was that:

- Secure centre staff at all locations had prevented her from speaking Welsh when communicating by telephone with her parents, other family members and friends. This was particularly distressing for her because when she was told to stop talking to her mother in Welsh on the telephone, her mother was unable to continue the conversation with her daughter in English, as this felt awkward and unnatural to her.
- Her mother, who suffers from a stammer, also declined to visit her in any of the remand institutions primarily because she felt that she would be compelled to speak unnaturally in English with her daughter. Consequently, this young person did not receive any visits from her mother while she was in custody;
- Because of censorship arrangements, her letters in Welsh and any correspondence she received in Welsh were consistently unduly delayed or, in some cases remained undelivered;
- Having received all her primary and secondary education to date through the medium of Welsh, all educational instruction and materials provided by the remand institutions were in English.

All of the staff we interviewed from each of the four Youth Offending Teams in North Wales expressed their deep concerns for the welfare of all young offenders who are sent so far from home to custody in England and in particular, for Welsh speaking young offenders who are at a greater disadvantage from not being able to communicate in their first language. We were told that some Welsh-speaking young offenders were mistakenly thought by custodial staff to have learning and behavioural difficulties because they did not respond appropriately in English.

In her evidence to the House of Commons, Welsh Affairs Committee, The National Manager for Wales, Youth Justice Board said:

I do not think the system as it is currently set up is capable of providing a service in the language of somebody's choice. I do not think it is capable of doing that. I think it is just about capable of picking up when Welsh is genuinely somebody's first language and they have less fluency in English – which is the case for about 30% of the children seen by Gwynedd and Ynys Môn Youth Offending Teams. I think there is partial capability but I do not think the system can offer a genuine option preference for people. I would not say that was fair.[10]

[10] House of Commons, Welsh Affairs Committee, (2007) *Welsh Prisoners in the Prison Estate*, Q 356.

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Case Study 1: Lucy

"I would like to share with you the story of Lucy. Lucy lives in the Gwynedd area with her family all of whom are first language Welsh, both her parents have difficulties speaking English and her Grandparents spoke no English but for a few words.

Lucy has had a traumatic childhood and is a vulnerable young person. There have been many episodes of self-harm and attempted suicides. She came to the attention of the North Wales Police through many instances of Anti Social Behaviour, Public Order Offences and of being Drunk and Disorderly. Following a breach of a Statutory Order for another Public Order Offence Lucy was eventually given a four-month DTO and a 12 month CrASBO. The Gwynedd Môn Youth Offending Team asked for Placement to be as close to home as possible, she was placed in Durham, a four and an half hour journey away from home. During her confinement there were many instances of self-harm and attempted strangulation. In the two months she was at Durham she received two visits from myself and one from her parents.

Lucy was released and for a while did extremely well, However personal and family situations worsened and Lucy again began to drink heavily, she was arrested for breaching the conditions of her CrASBO and for another Public Order Offence, she was sentenced to a 12 month DTO.

Prior to receiving this sentence Lucy was placed on remand, due to a shortage of placements for young offenders a remand bed was found in Exeter. Due to the distance and the fact that the Court date was for five days following her being remanded she received no visit from either family or YOT staff during those five days.

On the day of Court she was taken from the custodial centre in Exeter at 4 o'clock in the morning to be returned to the Gwynedd Courts for sentencing. She arrived at the Court at 12.00 midday only to be sentenced and returned to Exeter, as there was no other place available for her, she returned to the unit, arriving at 2.00am the following morning.

It took over three weeks to have Lucy moved closer to home. Well, when I say closer, she was moved to Yorkshire, a 3 and a half hour journey away from home. Lucy is vulnerable she needs contact with her family and to be reintegrated into the local community.

Lucy's parents are in receipt of benefits and they have not been able to visit her for the last five months, the last time Lucy saw her Mother and Father was behind the screen in Court on day of sentence. Money is available for her parents to visit her, but only if they produce the receipt for the tickets which they first must buy themselves. The total cost for two return fares and transport from the station to the Prison is almost £250.00. A large sum for anyone but an almost impossible task when the weekly total of the benefits they receive is less than the price of the tickets.

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This you may feel is bad enough but I also ask you to think about this, Lucy has difficulties in speaking in English, Some custodial staff do not allow her to speak Welsh on the phone to her parents, she has no one to speak to in her native tongue, no family visits, no familiar contact but myself who visits once a month, if she's lucky."

Gai i siarad hefo Mam, Presentation by Carys Heulwen Drury at the North Wales Local Criminal Justice Board Conference, Llandudno, North Wales, 7th November 2007.

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Adult offenders in custody

There are no custodial facilities for male or female adult offenders in North Wales. Figures provided by the National Offender Management Service (NOMS) show that as at 30 September 2006, of the 631 remand and sentenced male prisoners from North Wales, nearly half (303) were held at HMP Altcourse near Liverpool.[11] Most of the remaining male prisoners from North Wales were held in other prisons in England (namely, Stoke Heath, Risley, and Wymott, Garth, Kirkham, Wakefield, Thorn Cross, Liverpool, Brinsford, Shrewsbury, Glen Parva and Casington).[12] There are no published figures of Welsh-speaking male prisoners in prisons in England. We were given estimates that between 70 and 100 Welsh-speaking remand and sentenced prisoners are kept in Altcourse at any given time.

It is difficult to know exactly how many women prisoners from North Wales are Welsh speakers and in which prisons they are held, since this data is not available. Home Office figures for 2006 show that as at 30 September 2006, of the 8 female prisoners on remand in custody from north Wales, 7 were held at Styal, Cheshire and 1 at Peterborough, Cambridgeshire. Of the 15 female offenders sentenced to custody from north Wales, 8 were held at Styal, 5 at Drake Hall, Staffordshire, 1 at Ashkam Grange, Yorkshire and 1 at Peterborough[13]. These figures do not include the women from North Wales who are sent to prison from courts (e.g. Chester and Warrington) in England. One Welsh-speaking ex-prisoner we interviewed in the course of this study had been sentenced from a court in Chester.

According to the evidence submitted to the House of Commons, Welsh Affairs Committee report on *Welsh Prisoners in the Prison Estate*

"the language needs of Welsh speaking prisoners are not being met within the prison system and, despite the commendable efforts of some establishments, this issue is more acute where Welsh prisoners serve their sentences in English prisons"[14].

In this study, we interviewed one female offender who had experience of custody at HMP Styal and HMP Drake Hall and eight male offenders who had experience of custody in HMP Altcourse, Lancaster Farms and various other men's prisons in England. Generally, in their experience:

- Prison staff and other prisoners generally had negative attitudes towards the Welsh language;
- Prisoners often experienced abuse and derision from other prisoners for being Welsh-speaking;

[11] Evidence provided by NOMS to the House of Commons, Welsh Affairs Committee report "Welsh Prisoners in the Prison Estate, 16 May 2007. Evidence 98.
[12] Ibid. Supplementary memorandum submitted by the Home Office, Ev.98.
[13] House of Commons, Welsh Affairs Committee, (2007) *Welsh Prisoners in the Prison Estate*, Supplementary memorandum submitted by the Home Office to Q21 (Ev98).
[14] Ibid. p 36.

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- Because of the above, some prisoners reacted by underplaying or even concealing obvious aspects of their Welsh identity – such as the fact that they are Welsh speakers
- Typically no provision for Welsh speakers e.g. literature, newspapers, copy of the Bible, religious services, even though these resources were available in other languages;
- Prisons other than Altcourse did not routinely check prisoners' language background on admittance;
- Lack of educational and skills training in Welsh;
- Letters in Welsh were permitted but subject to delays;
- Most prisoners had had experience of being instructed not to speak Welsh on the telephone. Others had not actually been prevented from speaking Welsh to family on the phone but made to fear that they would be prevented from doing so;
- Poetry written in Welsh by prisoners confiscated;
- Some prisoners at Altcourse told to speak English together by some prison officers;
- At Altcourse, no problem in speaking Welsh with visitors but this was a problem at other prisons cited by prisoners;
- Key medical, psychiatric, counselling and rehabilitation services not available in Welsh.

Case Study 2: Derfel

Derfel is a highly intelligent 19-year-old male Welsh speaker who suffers from a form of autism and associated behavioural problems. He lives in the Gwynedd area with his family all of whom are first language Welsh speakers. Derfel has a history of drug abuse, depression, self-harming and attempted suicides. He speaks Welsh fluently and articulately.

He has been arrested and detained on a number of occasions, and one of the occasions he recalls most vividly is the time of his 2nd arrest in Caernarfon when he was taken to the local police station. At that time he was in a depressed and distressed condition and had to receive overnight medication and care from the duty nurse, who communicated with him in English only. That night he obtained the services of a Welsh speaking solicitor - by luck rather than as a result of any choice offered, because a Welsh speaker happened to be on duty. When his case was brought before Llangefni Magistrates Court the following day, although the accents of the magistrates suggested to him that they were Welsh speakers, the case was held entirely in English because the Prosecutor was a non Welsh-speaker.

Derfel has appeared before the Courts on a total of 7 occasions; twice before Llangefni Magistates, twice before Llandudno Magistrates and three times before Mold Crown Court. He is certain that he was not on any occasion offered the choice of conducting any of these cases through the medium of Welsh. If given the choice, he would definitely have opted to conduct every case in Welsh because he feels he is able to express himself more precisely and effectively in his mother tongue. Indeed, he had secured the services of a Welsh-speaking barrister to represent him in the most serious of his Crown

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Court cases. However, all 7 cases were heard in English, and he supposes that this is because they were prosecuted by non Welsh-speaking prosecutors on each occasion.

Derfel has been imprisoned on seven occasions, six times in Altcourse and once at Lancaster Farms. At Altcourse, officers had addressed him by his surname, finding his Welsh forename difficult to pronounce. He felt that this set him aside from other prisoners. At Lancaster Farms, however, he appreciated the fact that officers had made the effort to always address him by his forename.

On one occasion, in an acutely depressed condition at Lancaster Farms, Derfel had felt the need to communicate with his brother and was permitted to telephone him. Once the conversation had commenced in Welsh, however, he had been instructed by the overseeing officer to stop speaking Welsh with his brother. He had continued regardless and subsequently remonstrated with the officer that it would have been totally unnatural for him to speak English with his brother. To Derfel's surprise, the officer had then apologised.

Because of his suicidal condition, at Altcourse Derfel had been placed on a medical ward, and allocated psychiatric counselling. There were no Welsh speakers among the nurses, the mental health staff nor the uniformed Counsellors. Similarly, at Lancaster Farms, he had participated in the 'Inner Reach' psychiatric help scheme, but again there were no Welsh-speaking counsellors and all participation had to be conducted in English.

During his most recent incarceration, Derfel had been allocated a psychiatrist who travelled from Llanfairfechan to visit him on counselling visits. Although based in Llanfairfechan, the psychiatrist was a non-Welsh speaker who had declared at the beginning of his first visit "This interview is going to be in English because unfortunately I can't speak Welsh".

Derfel explained that the main strategy used by the mental health personnel and the psychiatrist was to seek to address his acutely depressed condition by using their communication skills to encourage him to reciprocate by communicating and analysing his deepest anxieties, concerns and personal feelings. He felt that communication on such a personal and intimate level could only be achieved effectively in his mother tongue, and that the lack of Welsh speaking mental health personnel seriously compromised the effectiveness and professionalism of the treatment.

Following his release, Derfel continues to attend consultations with a psychiatrist that was allocated to treat him prior to his imprisonment, and who is not connected with the criminal justice sector. Again the psychiatrist is a non-Welsh speaker.

Source: Authors' interview with 'Derfel' (a pseudonym) (MO4), February 2008.

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"Ges i hasl am siarad Cymraeg – o'n i'n siarad Cymraeg wrth ffonio adre ac yn cael abuse gan ferched. Tueddol i ffonio adre pan doedd 'na ddim llawer o bobl o gwmpas … Cael lot o weiddi a rhegi arna i. Fedrai feddwl i rywun fengach a llai hyderus y byddai'n haws i guddio'u Cymraeg." (FO1)

Translation: "I was hassled for speaking Welsh – I spoke Welsh when I phoned home and got abuse from girls. Tended to phone home when there weren't many people around… Got shouted at and swore at a lot. I can imagine that for someone younger and less confident it would be easier to hide their Welsh." (FO1)

Action points for prisons in England holding prisoners from North Wales

- The Prison Authorities in England and Wales should be more proactive in identifying all Welsh-speaking prisoners. Information on offenders' understanding and use of the Welsh language and their language preferences should be routinely collected and published.
- The Prison Service should ensure that all prisons in England who hold adult Welsh prisoners in custody adopt the good practice (as HMP Altcourse do) of recognising the right of Welsh-speaking offenders to speak Welsh on the telephone to family and friends, speak Welsh with visitors (whether family, friends or professionals), receive mail in Welsh as promptly as mail in English and be permitted to speak Welsh with other prisoners. (For Altcourse Policy Statement on *The use by prisoners of languages other than English* see Appendix 1.)
- While it remains necessary for Welsh offenders to be held in custody in England, the Prison Authorities should work to raise awareness in the workforce of all prisons which hold Welsh prisoners of the language rights and needs of Welsh-speaking male and female offenders.
- For as long as it is necessary for Welsh offenders to be held in custody in England, Welsh language provision, including Welsh language skills training, should be made a priority.

Action points for secure establishments holding juvenile offenders from North Wales

- Youth Justice Board and the Prison Service should work to ensure that secure establishments in England permit Welsh-speaking juveniles to speak Welsh on the telephone to family and friends, they should also be allowed to speak Welsh with visitors (whether family, friends, YOT workers or other professional staff), receive and send mail in Welsh as promptly as mail in English and be permitted to speak Welsh with other young offenders.
- The YJB, YOT's, the Prison Service and the Police should work together to ensure that all Welsh-speaking young offenders are identified and ensure that youth justice documentation identifies, records and passes on

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information to other agencies concerning each young person's language profile and language preference.

- Welsh language awareness training should form an integral part of any diversity training and/or equalities training provided to the staff of secure institutions.
- For as long as it is necessary for Welsh juveniles to be held in custody in England, Welsh language provision, including Welsh language education should be made a priority for those children.

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HMP Altcourse

HMP Altcourse is a privately designed, constructed, managed and financed prison which opened in December 1997. HMP Altcourse is a Category B local prison receiving prisoners from the courts in Merseyside, Cheshire and North Wales. The prison receives young male offenders and adult male prisoners who are either sentenced or remanded by the courts. The prison is currently holding over 1,200 prisoners in safe custody. We were told that 95% of all adult male prisoners from North Wales are housed at Altcourse and that there are usually 70 or more Welsh-speaking prisoners detained there at any given time.

Offering language choice

In comparison with the other prisons which house Welsh-speaking prisoners, HMP Altcourse provides an example of good practice. The respondents who provided us with information regarding the prison demonstrated that the Prison is sensitive to the needs of Welsh-speaking inmates and is, as the report of the House of Commons Welsh Affairs Committee also concluded, "making considerable efforts to meet the needs of its Welsh-speaking prisoner population."[15] These efforts include:

- Adoption of a Policy Statement on "The use by prisoners of languages other than English" (See Appendix 1).
- Providing written prisoner information and newsletter in Welsh and English
- Providing a Welsh language paper to each unit daily
- Providing a collection of Welsh books in the prison library
- Permitting prisoners to send and receive letters in Welsh
- Permitting prisoners to speak Welsh on the telephone with family and friends
- Permitting prisoners to speak Welsh with visitors
- Employing a Welsh-speaking chaplain
- Permitting Welsh recreational events to be organized by the Chaplain for Welsh speaking prisoners (e.g. Christmas visit by Welsh entertainers; concert to celebrate St David's Day)
- Establishing a Welsh prisoners support group
- Having two Welsh-speaking prisoner representatives at the prisons' Diversity Management meetings
- Having a Welsh Assembly Government funded cabin for the use of meetings with north Wales prisoners

The respondents also expressed the need for further steps to be taken to address the needs of Welsh-speaking prisoners, in particular:

- Recruitment of Welsh-speaking staff

[15] House of Commons, Welsh Affairs Committee report "Welsh Prisoners in the Prison Estate, 16 May 2007.

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- Provision of Welsh language skills and education training.

According to the Welsh-speaking prisoners we interviewed, they acknowledged that:

- they had greater opportunities for using Welsh at Altcourse than in other prisons;
- some staff showed an interest in the Welsh language and some were even taking steps to learn Welsh,
- that the most senior staff were supportive of Welsh speakers but that some staff, particularly in lower ranks were not so accepting / supportive.

Prisoners felt that their needs as a language group were not as well catered for as those of some other ethnic groups within the prison population. They felt that they needed:

- more information about their rights to use Welsh
- staff who could speak Welsh and 'street-wise' rather than 'text book' Welsh
- Welsh language religious services
- Better choice of Welsh language books in the library
- Copies of local Welsh community papers (papurau bro) such as Papur Menai, Y Goriad and Llafar Bro as well as local English language papers
- More cultural activities in Welsh (e.g. poetry workshop)

Action points for HMP Altcourse

- Altcourse should continue to develop and build upon the provision already established in relation to dealing with Welsh speaking prisoners, thereby developing a model of good practice which will be useful to other institutions in the prison estate and secure estate for young offenders. Such further provision to include:
  - Recruitment of Welsh-speaking staff;
  - Further provision of Welsh language courses for prisoners and staff;
  - More information to Welsh prisoners upon admission informing them of their right to use Welsh and of the provision available to them in Welsh;
  - The inclusion in Welsh prisoners' admission documentation of a formal record of Welsh language abilities and language preferences; this record to be passed on to any subsequent agencies who will be dealing with prisoners during and following their imprisonment at Altcourse;
  - Ensuring welfare and counselling services through the medium of Welsh for Welsh-speaking prisoners – e.g. drugs counselling, psychiatric counselling, rehabilitation and resettlement strategies etc. All vulnerable cases should be identified and prioritised;
  - Further development of recreational activities through the medium of Welsh;
  - Improved choice of Welsh language books, newspapers and periodicals in the library;

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- An audit of internal signage with a view to identifying opportunities to provide more bilingual signs within the prison;
- Religious services in Welsh.

Table 19: Information provided by respondents representing HMP Altcourse

Aspects examined	Summary of interviewee's response
Nature of the commitment (statutory/voluntary) to offer a language choice	No formal statutory or voluntary commitment to offer language choice with regard to the prison's services to offenders. Rather, the prison has adopted a voluntary Policy Statement (22.12.2006) which states that: "HMP Altcourse asserts the human right of all prisoners to use their first language/language of choice. Prisoners will not be challenged, disciplined or forbidden from doing so without good reason. There will be no blanket ban on the use of non-English languages" Prisoners required to speak English if well founded concerns that safety or security, good order/discipline and courtesy may be compromised.
Operating guidelines	A4 Policy statement. Diversity Management meetings – two representatives raise specific concerns regarding Welsh. Welsh language is recognised as a significant diversity issue.
Welsh-speaking staff / staff who are learning Welsh	None. According to Respondent 1, they have difficulty recruiting Welsh-speaking staff. The need for Welsh-speaking staff is beginning to register and there is a need to take positive action in this regard. Some staff have had some Welsh language lessons. Welsh speaking chaplain has been teaching WLPAN course to 10 members of staff during lunchtime. Respondent 1 had learned enough Welsh to be able to check letters written in Welsh for security purposes.
Training/briefing sessions	All staff have Diversity Training but no Language Awareness Training
Translation service	Induction booklet, significant prisoner handbooks and bilingual newsletter in Welsh and English – translation carried out by external translation company
Budget for operating bilingually	No specific resources. No part of contract requires the prison to provide its services through the medium of Welsh and so no resources are available.
Nature of the first contact	Offenders delivered to the prison by van. Prisoner Escort Record delivered to prison, but this does not indicate language choice for Welsh speakers. On arrival prisoners are asked "What is your first language?" Have a brief chat with the Chaplains they pick up Welsh speakers.
Is a language choice offered for verbal	No prison staff apart from Chaplain are Welsh speaking, therefore prisoners do not have the choice to be spoken

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contact (e.g. phone, face to face, meetings)?	to in Welsh by staff. Specialists who provide therapy and psychiatric, drug rehabilitation etc. services are not available in Welsh. Unlike the majority of other prisons in the UK, prisoners are allowed to make telephone calls in Welsh to family and friends, they are also allowed to speak Welsh with other Welsh-speaking inmates.
Is a language choice offered for written contact?	Yes and no. Prisoners are allowed to send and receive letters in Welsh. Bilingual Newsletter published in Welsh and English. Collection of Welsh books in the library.
Is the language choice recorded? How?	Verbal enquiry often made on arrival, but no formal documentary record made
Is the record of language choice for subsequent contact shared within the agency?	Informally
Is the record of language choice shared with other agencies? How?	No record kept

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Section 4: Discussion of Key Findings and Recommendations for the North Wales Criminal Justice System

Discussion of Key Findings

The undertaking of this study was, without exception, warmly welcomed by all respondents contacted within the agencies surveyed. Most respondents expressed the hope that the study would help to identify weaknesses in the way Welsh language choice is offered by their organisation and across the system, and looked forward to considering the study's recommendations on how to progress the issues identified. The authors consider that this reservoir of good will among staff towards ensuring good quality provision in the Welsh language is an invaluable resource at the agencies' disposal, and augers well for the due consideration of the findings and recommendations of this report.

Similarly, the juvenile and adult offenders, former offenders, witnesses and victims contacted also welcomed the opportunity to contribute towards the study, and a number of them expressed their appreciation of the particular focus being applied to the issue of language choice by the commissioning of this study. Some felt that this was a very positive signal by the criminal justice system indicating that the treatment of service users with regard to language choice was a matter of genuine concern to agencies.

Within this positive context we present the following discussion of the study's key findings:

1. The study shows that the provision of a choice of services in Welsh or English by agencies serving in the North Wales Criminal Justice sector is varied and inconsistent from agency to agency and from location to location. (See Recommendations 1 – 5 below)

2. Where language choice is offered and Welsh speakers have the opportunity to use Welsh as their preferred language, they often feel that being able to deal with the criminal justice system in Welsh is a far better experience which adds significantly to the quality of the service they receive. Welsh speakers tend to perceive the opportunity to use Welsh as an indicator of customer care and equal treatment. (See Recommendations 1 – 5 below)

3. In general, Welsh speakers appreciate in particular the opportunity to be able to use spoken Welsh when dealing with agencies within the sector, especially when the language registers used by agency staff are more colloquial than formal. (See Recommendations 10 – 14 below)

4. For the most vulnerable individuals for whom Welsh is their preferred language, having to undergo judicial and custodial procedures in English may exacerbate their sense of vulnerability, disadvantage or disempowerment, and

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may have a detrimental effect on their mental and physical well-being and even contribute towards compounding rather than reducing their risk of re-offending. (See Recommendations 1 – 5 below)

5. Across the sector, agencies' strategies for helping the vulnerable and preventing re-offending are highly dependent on the effective deployment of language skills by professionals. In such circumstances, the use of Welsh with Welsh speakers should be considered as a central and integral aspect of the quality and standard of the service provided rather than as an adjunct to it. (See Recommendations 1 – 5 below)

6. The evidence of interviewees who have had experience of the North Wales Criminal Justice System suggests that the offer of language choice by agencies and opportunities to use their Welsh are generally scarce, inadequate, inconsistent and arbitrarily determined. (See Recommendations 1 – 5 below)

7. The evidence of adult prisoners and young offenders held in the secure estate indicates that, with the notable exception of HMP Altcourse, language choice for Welsh speakers in those institutions is scarce or non-existent, with their use of Welsh restricted and sometimes not permitted, correspondence with them or by them in Welsh usually delayed, and Welsh speaking relatives, friends and other visitors often prevented from speaking Welsh with them during visits. (See Recommendations 6 and 7 below)

8. For historical and sociological reasons, Welsh speakers generally lack confidence in their formal use of Welsh when dealing with officialdom, particularly with regard to written communications. The language registers used by agencies for verbal and written communications across this sector is a major factor in determining whether service users will wish to use Welsh and subsequently opt to do so when communicating with the agencies. In general, the more formal the Welsh used, the more likely Welsh speakers will be deterred from opting to use Welsh. (See Recommendations 9 – 12 below)

9. The lack of confidence of Welsh speakers in general in dealing with official matters through the medium of Welsh also extends to Welsh speaking professionals and other Welsh speaking staff across the sector. As professionals and other staff have invariably received their formal vocational training and professional development through the medium of English, their confidence in their professional competence, status and authority has been acquired through their use of English. There is evidence that this may be a major influence on the extent to which they are comfortable in extending language choice to service users and their subsequent readiness and willingness to deal with them through the medium of Welsh. (See Recommendations 9 – 12 below)

10. The evidence provided by agencies shows that their internal systems, working arrangements and procedures for offering, recording, responding to and forwarding a record of language choice are generally inadequate, inconsistent and in some cases non-existent. (See Recommendations 2 – 5 below)

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11. Where users do opt to exercise language choice and use Welsh it almost invariably causes delays and difficulties and often adds to the sense of stress and disempowerment that they experience – for example, when giving evidence in the Courts, giving statements at police stations, writing letters in Welsh from prisons or opting for documentation in Welsh. Generally speaking, Welsh speakers' opting to use Welsh in the North Wales Criminal Justice Sector currently means opting for a more troublesome experience. (See Recommendations 2 – 5 below)

12. A key issue identified is that the recruitment and staffing arrangements and the management of language skills resources for implementing the provision of language choice to service users are generally ineffective, inefficient and apparently arbitrary. (See Recommendations 4 and 16 below)

13. Levels of Welsh language awareness and sensitivity to the importance of offering language choice are generally low among agencies' staff and are not generally understood by them as being integral to the broader Equalities and Diversity agendas. Knowledge of relevant Welsh Language Scheme requirements is also generally low. (See Recommendation 12 below)

14. Current understanding of the concept of offering language choice throughout the sector is generally based on the idea of "responding to demand". This is not considered good practice as it fails to recognise the historical statutory exclusion of Welsh from the sector over a period of more than four centuries, and the resultant ongoing impact of this on the psychology and long-established language use domains and expectations of Welsh speakers. Because of these factors, the provision of services in Welsh should not be 'demand led' for the foreseeable future, and it is therefore considered inappropriate for agencies to base their service planning and provision on perceived 'demand'. Any perceived lack of demand should not be misconstrued as lack of need. (See Recommendations 1 and 12 below)

15. Across the sector, with only a few exceptions, English is regarded by the agencies surveyed as the 'default' language or norm for communications skills deployment in all interface situations with clients / service users. Any arrangements to use Welsh 'on request' are effectively a deviation from this 'norm', and in general they cannot usually be deployed to the same professional standards as arrangements for a service in English. This inherent historical presumption in favour of English is considered to be no longer appropriate for agencies now operating in accordance with statutory commitments to 'treat the Welsh and English languages on a basis of equality'. (See Recommendations 12 and 14 below)

16. Agencies within the sector which operate as local units of a centralised administration or headquarters based outside Wales invariably face difficulties in ensuring adequate resourcing and support for bilingual services. They are often hindered by a lack of empathy, awareness and understanding at senior management level regarding the required bilingual profile of public sector services in Wales. This often creates inefficiencies by causing staff time and

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resources across the sector to be squandered on pressing administrations outside Wales for appropriate resourcing, bilingual materials, and bilingual capacity within centralized ITC systems and standard procedures. Agencies are often in the invidious position of having to divert funding to pay for bilingual provision. Almost all agencies interviewed provided evidence to this effect. (See Recommendations 8 and 9 below)

17. The public often do not differentiate between the various agencies and when being processed by the criminal justice system may often be unaware that the various agencies operate as discreet entities with well defined roles. To Welsh speaking service users therefore, the current inequality and inconsistency of language choice provision when experiencing 'the criminal justice system' may well appear confusing and incomprehensible. (See Recommendations 1 – 5 below)

18. Whenever members of the North Wales public engage with the criminal justice system in North Wales, initial contact system is almost invariably via the North Wales Police. In terms of public perception, it is therefore reasonable for members of the public to assume that the quality and standards of the service they experience when dealing with the NWP in terms of being offered and allowed to exercise language choice will represent the norm for their subsequent dealings with the system in general. Once their levels of expectation and language usage have been established, it is reasonable for the criminal justice system to provide for their continuation as individuals pass from agency to agency. Since the Welsh Language Scheme of the NWP is generally considered by the agencies surveyed to be a leading statement of policy on the use of the Welsh language within the sector in North Wales, it is appropriate that its service standards and good practices should be adopted as the sector's baseline model for dealing with the public in Welsh. (See Recommendation 2 below).

19. A specialist language consultant resource, similar to the full time Welsh Language Welsh Language Advisor and supporting Welsh Language Services department employed by the North Wales Police, is not currently available to the same degree within other agencies in the sector. Without adequate dedicated staffing resources of this nature, both within individual organisations and on a sector-wide basis, it is difficult to see how satisfactory and timely progress of the Welsh language agenda across the sector can be advanced. (See Recommendation 17 below)

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Recommendations for the North Wales Criminal Justice System

1. The North Wales Local Criminal Justice Board (NWLCJB) and its associated agencies should adopt the following method as their basic approach for offering language choice:-

   The choice of a service in Welsh or English or bilingually, should

   - *Be offered proactively to service users, rather than on request or in response to perceived demand;*
   - *Be offered for both verbal communications and for written communications, and differentiate between the two;*
   - *Be offered at the initial point of contact or at the earliest opportunity, with the user's choice formally recorded and formally conveyed to any agencies who will be involved in subsequent communications with him/her.*

2. In order to promote consistent standards and quality of service across the sector, all agencies within the sector should adopt the service standards set out in the Welsh Language Scheme of the North Wales Police for dealing with the public in Wales.

3. The NWLCJB Welsh Language Sub-Committee should pursue the action points and recommendations of this study, share best practice and promote a 'joined-up' sector-wide approach to recording, acting upon and passing on a record of users' language choice.

4. The action points relating to each agency covered by this study should form the basis of an action plan to be drawn up by each agency. Each action plan to include targets and each agency to report to the NWLCJB Welsh Language Sub-Committee on progress.

5. The NWLCJB Welsh Language Sub-Committee should establish a network similar to that of *Rhwydiaith*[16] specifically for criminal justice agencies in North Wales and throughout Wales in order to provide a support mechanism through which criminal justice agencies can come together and discuss strategic issues around the implementation of Welsh language schemes and promoting bilingualism within the criminal justice system.

6. The NWLCJB should press to establish prison and secure estate facilities in Wales for adult and juvenile offenders from North Wales; any such facilities to be subject to Welsh Language Schemes.

[16] *Rhwydiaith is a* network established as a support mechanism through which local authorities in Wales and other public sector bodies can come together and discuss strategic issues around the implementation of Welsh Language Schemes including promoting and sharing good bilingual practice within local government in Wales.

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7. Pending the establishment of prison and secure estate facilities operating Welsh Language Schemes in Wales, the NWLCJB should press all prisons and secure estate facilities which receive adult and juvenile offenders from North Wales to adopt a Welsh Language Policy Statement or good practice protocol similar to the policy statement adopted by HMP Altcourse on *The use by prisoners of languages other than English* (reproduced at Appendix 1)

8. The NWLCJB should liaise with the other local Criminal Justice Boards, the Welsh Assembly Government and other relevant organizations in Wales, with a view to pressing for increased decentralization of criminal justice structures and agencies in order to ensure more efficient and effective services, local accountability and appropriate budgetary provision for bilingual service provision.

9. All NWLCJB agencies should include in their strategic financial planning arrangements the earmarking of specific budgets for Welsh language provision as opposed to the current ad hoc arrangements.

10. The NWLCJB should initiate a project to address the need to develop appropriate language registers for communicating with Welsh speakers in both spoken and written Welsh. Priority to be accorded initially to considering the spoken and written Welsh used in custodial contexts, in the Courts and with vulnerable service users.

11. The NWLCJB and each individual agency within the scope of this study should actively pursue the development of vocational training and professional development routes which incorporate adequate and culturally appropriate training (i) through the medium of Welsh and (ii) on the deployment of appropriate 'user-friendly' language registers for dealing with service users / public interface situations, both verbally and in written format.

12. The NWLCJB should develop a strategic approach to developing and delivering Welsh Language Awareness Training to staff throughout the sector as an integral part of their professional training and development.

13. The NWLCJB should press the Welsh Language Board to produce and disseminate at the earliest opportunity its long-awaited Justice Sector Terminology in order to progress the staff training and development objectives outlined in these recommendations.

14. The NWLCJB should actively promote:
    - an understanding across the sector that it is no longer appropriate for agencies to treat English as the default language and norm for communicating with service users and that Welsh and English are to be treated on a basis of equality;
    - the adoption by each agency of a policy statement to this effect, normalising a bilingual approach to service delivery through the offer and implementation of language choice.

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15. The NWLCJB and each individual agency within the scope of this study should actively publicise and market the availability of a choice of verbal and written communications in either Welsh, English or bilingually.

16. The NWLCJB should actively promote the development and implementation of Bilingual Skills Strategies by the agencies within the scope of this study in order to foster a planned, strategic approach to the recruitment, development and effective management of language skills resources for providing language choice to service users.

17. The NWLCJB and each individual agency within the scope of this study should press for adequate Welsh Language consultancy staffing resources to progress the Welsh language agenda and the recommendations of this report effectively both within individual organisations and on a co-ordinated sector-wide basis.

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- The young and adult offenders, former offenders, witnesses and victims whose experiences illuminate this study.

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APPENDIX 1

HMP Altcourse

Policy Statement

The use by prisoners of languages other than English.

HMP Altcourse asserts the human right of all prisoners to use their first language/language of choice. Prisoners will not be challenged, disciplined or forbidden from doing so without good reason. There will be no blanket ban on the use of non-English languages.

However, given that HMP Altcourse is an establishment where the predominant language is English, there will be occasions when prisoners legitimately may be required to speak in English -provided it can be demonstrated that they have the capacity to do so. The main criteria for such a requirement are:

- Safety & Security. Where there are well-founded concerns that safety or security may be compromised, prisoners may be required to speak in English.

- Good order or discipline.

- Courtesy. Where the use of a language other than English would exclude either a member of staff or another prisoner from participating in something in which they have a legitimate interest or right.

Prisoners who feel that they have been challenged or disciplined in this respect but without good reason should, in the first instance, attempt to deal directly with the member of staff concerned. Failing that, they may use either the request and complaint procedures or report it as a racist incident using the Racist Incident Reporting Form.

(Director)

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APPENDIX 2

North Wales LCJB Welsh Language Protocol

N Wales LCJB is committed to treating both the Welsh and English languages equally. It is not incumbent on the Board to produce a Welsh Language Scheme and therefore it has developed this Protocol as a means of providing clear guidelines as to how the Board should manifest its linguistic commitment.

This protocol should be followed when initiating correspondence with the public, attending events or when dealing with large numbers of CJS staff across agency boundaries.

1. Publications/Correspondence

1.1 The Annual Report, Business Plan, Web based information and any promotional material should be bilingual.

1.2 Any initiating correspondence by the Board or its officers should be bilingual if the language choice of the recipient is not known.

1.3 Correspondence directed in an official capacity to other organisations in Wales should be bilingual.

1.4 Any correspondence received should be answered in the same language as the original.

2. Dealing with the Media

All Press Releases produced by the Board should be bilingual and sent to both the' Welsh' and 'English' media within Wales. A delegated 'Welsh language' spokesman should be identified to represent the Board when a 'Welsh medium' response is required.

3. Board and Sub Committee Meetings

3.1 Board meetings should be opened and closed in Welsh if possible. Guest speakers attending the Board and who are known to be Welsh speakers should be encouraged to contribute in Welsh and the services of a simultaneous translator secured.

3.2 Language choice should also be offered at the Board's various sub-committees but the Welsh Language Sub-Committee will be conducted in Welsh with simultaneous translation provided.

3.3 The minutes of the Board and it's Welsh Language Sub-Committee should be available in both Welsh and English.

4. Annual Conference

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4.1 Language choice should be facilitated at the conference and Welsh speakers encouraged to contribute in Welsh
4.2 All PowerPoint type presentations should be either bilingual (Welsh and English on the same slide) or in instances when a lot of textual and graphical information is to be conveyed, separate English and Welsh presentations should be provided and projected on two separate screens
4.3 All breakout group activity should facilitate language choice
4.4 All handouts given and conference packs should be bilingual
4.5 All agency specific displays e.g. pop up stands or promotional literature should be bilingual
4.6 The conference should be opened and closed bilingually

5. Community Engagement events

5.1 All Board sponsored events should display bilingual material.
5.2 Events held with community groups such as LCCS or the public should ensure that contributors can contribute in their language of choice.
5.3 Attendance at 'Welsh' events such as the National Eisteddfod and the Urdd Eisteddfod should cater for translation facilities for the non Welsh speaking if specific events are being held
5.4 Both Welsh and non Welsh speaking staff should be encouraged by the respective agencies to attend LCJB sponsored events

6. Inter-Agency Correspondence

6.1 This protocol should be distributed to all CJS agencies in North Wales at Chief Officer level and their assistance sought in disseminating it's content internally.
6.2 Correspondence aimed at a large number of CJS staff by the Board or it's officers should be bilingual e.g. e-mails/letters

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