

Comhdháil Náisiúnta na Gaeilge



Submission
in relation to the drafting of a scheme
in accordance with Section 15
of the Official Languages Act 2003
to the Legal Aid Board

March 2011

Introduction

Comhdháil Náisiúnta na Gaeilge is the central steering council for the Irish language community. The main objective of An Chomhdháil is illustrated by its Mission Statement “strengthen and consolidate goodwill and support for the Irish language and its usage as a living language so that it may be used freely and widely in all aspects of Irish life.”

Established in 1943, the Comhdháil acts as an umbrella body for voluntary Irish language organisations and on behalf of the Irish language community with the national objective of reviving the Irish language. An Chomhdháil has 24 member organisations from all major areas of the sector. The function of An Chomhdháil is to consolidate Irish language organisations and friends of the language in order to ensure a productive partnership by fostering communication and agreeing the main working objectives of An Chomhdháil.

The organisations involved in Comhdháil Náisiúnta na Gaeilge have a particular interest in the status of the Irish language and in particular where that status is given a role in national legislation. Comhdháil Náisiúnta na Gaeilge welcomes this opportunity to submit comments about the draft-scheme being proposed by the **Legal Aid Board**. The recommendations we have set out are directed at the main priorities of the scheme.

Although an Chomhdháil is in agreement with the guidelines issued by the Minister under Section 12 of the Act, Section 18(2) of the Act is particularly important which underlines ‘implementing further measures to promote the status of an official language’ within the Legal Aid Board. It is essential that the **Legal Aid Board** operates accordingly and at least take into account the experience of other public bodies which have put a scheme in place in recent years and the characteristics of the schemes and other successful language policies.

More information about the work of Comhdháil Náisiúnta na Gaeilge can be found at www.gaelport.com.

Context of the Scheme

The Legal Aid Board is a Public Body under the Official Languages Act 2003 charged with the provision of a wide range of services to the public on both a national and international level. The Mission Statement of the Legal Aid Board is as follows:

To provide a professional, efficient, cost-effective and accessible legal aid and advice service.

(Legal Aid Board Customer Charter, page 1)

The specific responsibilities of the Legal Aid Board are integrated on their website under the following headings -

- Statistics,
- Civil Legal Aid
- Refugee Legal Service,
- Refugee Documentation Centre,
- Press & Publications,
- Recruitment,
- Private Practitioners,
- Contact Details

The Board is committed to the implementation of the provisions of the Official Languages Act.

It is proposed to achieve this gradually, building on the existing arrangements for service provision with this first scheme which will be developed in accordance with demand and resource availability.

(Legal Aid Board Scheme 2007-2010, 2007, p. 2)

The central role adopted by the Legal Aid Board in relation to the Irish language is affirmed under the Official Languages Act 2003. It is essential that the Legal Aid Board demonstrate that role through all of its activities and at every level of the Board's structure. With that in mind, an Chomhdháil recommends inserting a message from the

Chairperson of the Board into the Board's language scheme to demonstrate support for the language and for the implementation of the scheme from the top down.

Creating a bilingual environment.

An Chomhdháil commends the great work of the Legal Aid Board in its efforts to create a bilingual environment. It is important that the Legal Aid Board illustrates through its language scheme that it is fully committed to the promotion and development of the Irish language. An Chomhdháil believes that a bilingual corporate image is vital for public bodies in order to develop bilingual services. It is important for the Legal Aid Board to foster an environment where people whose first language is Irish or who prefer Irish as their language of communication are welcomed into the organisation. An Chomhdháil recommends the strengthening of support for Irish culture and for the Irish language in general in the Legal Aid Board (see 4 & 5 below). It is important for the Board to provide a bilingual service and members of the Board and the general public should be aware of what the service entails. The Board must be aware that Gaeltacht areas form part of their catchment areas and the language requirements of that community must be taken into account when dealing with the Board. In order to ensure the success of the scheme it should include an excellent service for the Irish language community based on Quality Customer Service (QCS).

A total of five clients requested service in Irish from the law centre service during the period. To put this in context the Board provided service in some 12,500 cases through its law centre service in 2005 alone.

(Legal Aid Board Scheme 2007-2010, 2007, p. 2)

An Chomhdháil recommends enabling the Irish language speaking community within the organisation, including staff members who are native speakers and those who are fluent in Irish, and encouraging them to operate through the medium of Irish (see 6(x) below). This would greatly enhance the capacity of the Board to comply with Section 12(2)(c) of the Act and 'to ensure better availability and a higher standard of public services through Irish.'

The website is often used as a main point of contact with the Board. There is comprehensive information about all areas of the work of the Board on the Board's website. It is recommended that information be available in Irish on the website and that the site be developed on a continuous basis so that the Irish version is just as prominent as the English version at all times (see paragraph 14 below).

The promotion of the Irish language within the Legal Aid Board should be based on support structures and systems of implementation rather than having such promotion dependant on certain people. Comhdháil Náisiúnta na Gaeilge recommends the development of a language scheme under the Languages Act which is realistic but challenging at the same time, which demonstrates that the Board recognizes its obligations and its role in relation to the Irish language, that the scheme be used to strengthen the Board's ethos in relation to the Irish language and affirms that the Legal Aid Board shall operate closely in accordance with the Act and also within the spirit of the Act.

Oifig an Choimisinéara Teanga (The Office of the Language Commissioner) has identified a number of standard practices which help public bodies provide language schemes and a high quality of Irish language service for the community including;

1. Planning and analysis in relation to the ability of the public body to deliver statutory commitments.
2. Senior management of the public body taking ownership of the language scheme.
3. Preparation of an implementation plan with the appropriate resources by the public body.
4. A Communications Strategy to disseminate the commitments under the scheme to the appropriate team appointed to implement them.
5. Clarity of language - it must be stressed that accurate language is required in the language schemes of public bodies to ensure that a common bilingual service is provided to the public. It will provide clarity for the body and for body's staff in implementing the scheme's commitments.

The Current Context

According to the Language Commissioner;

“Language rights are basic rights; not merely concessions or privileges given during the good times. The concept relating to rights and equality is not of lesser value when found in a language context”

(An Coimisinéir Teanga, 2009, Launch of the Language Commissioner’s Annual Report 2008)

It is acknowledged that we are currently facing difficult economic circumstances and that each Public Body must review their short-, medium- and long-term priorities accordingly. It is essential, on that basis, that State organisations find new ways of controlling costs without reducing the provision of high quality services through Irish. With that in mind, it is proposed that economies of scale are better utilized to prepare resources/facilities and to provide better value for money by, for example:

- providing online services and website services for the public as much as possible,
- publishing bilingual material for the public electronically rather than in printed form,
- Recruiting bilingual staff, i.e. staff who have proficiency in Irish and in English rather than people who are only competent in one language,
- Better cooperation between associated organisations as they develop their services through Irish.

Submission

A commitment to Quality Customer Service (QCS) as part of the Public Service Reform Process requires a particular commitment on the part of public bodies with regard to the continuous improvement of customer care standards and services, and consultation with customers with a view to achieving this.

It is not enough for public bodies to merely cater for the language needs of the public (see **paragraph 3 - Active gestures and fostering demand** below). **Each public body must foster the demand for services and encourage the speaking community.**

A wider joint consultation process is also required which consists of customer surveys, including the staff of the Legal Aid Board and the public, and regular focus groups in order to gain an understanding of the public's wishes and to cater for them accordingly.

Comhdháil Náisiúnta na Gaeilge is willing to provide any assistance to the Board to conclude the process.

Recommendations

1. The Current Position in the Legal Aid Board

The Legal Aid Board shall describe its customers, its services and its activities as set out in the index of Government Departments, etc., under Section 15 of the *Freedom of Information Act, 1997 & 2003*.

Under the heading *Summary of the Organisations Services and Activities* it is recommended that a comprehensive description be provided with regard to:

- The services through Irish which were available before the first scheme came into operation,

- How these services were increased in order of priority through the implementation of the first scheme, and
- How the services that are available will now be improved on a step by step basis in the second scheme.

The Legal Aid Board will set out precise objectives and a timescale to achieve these. The Legal Aid Board shall demonstrate an assessment system which will assess the delivery of the services and which will ensure that steps for improvement are identified and the Legal Aid Board will seek continuous feedback from the public in relation to the operation of the Scheme and a description of that system will be stated in the Scheme (see also **Paragraphs 16 - 18** below).

2. The bilingual capability of the Legal Aid Board

The Board will ensure that there is sufficient staff with the necessary skills to meet demand for service in Irish.

(Legal Aid Board Scheme 2007-2010, 2007, p. 8)

The main objective of the scheme is to improve bilingualism in the Board for the purposes of providing enhanced services to the public. The following must be included when promoting bilingualism in the Legal Aid Board:

- The Legal Aid Board must have a positive attitude from the top down in relation to bilingualism.
- Equal status must be given both to the Irish language and to English in every aspect of the Board's work.
- It should be ensured that the Board aims to promote the Irish language both internally among the staff, and externally by meeting the customers' needs.
- That the Irish and English be treated equally and that no citizen will be disadvantaged because of his or her choice of language.

It is proposed that the following material be researched as a starting point for the development of a system of bilingual administration in the Board and as a basis for the development of a training programme in Irish and of a Language Awareness programme for employees of the Board:

- Number of bilingual speakers;
- The number of bilingual speakers with bilingual writing capability;
- Number of employees who are fluent in Irish;
- Number of employees who are fluent Irish speakers but who do not have a high standard of written Irish;
- Number of learners who are fluent Irish speakers;
- Number of learners who are fluent Irish speakers and who can also write in Irish;
- Number of learners who are not confident enough to provide a service through Irish at the moment;
- Number of employees who do not have any Irish.

The Human Resources Department and the Training Unit of the Board will have a central role in the completion of this internal research. It is important for the Board to assess the current language competency of the employees in the Board so that training requirements are identified and to set out a long-term bilingual plan accordingly as part of the Board's Communications Strategy.

It is recognized that there has been an increase in the number of staff who are competent in the Irish language and who are willing to perform through Irish since the implementation of the first scheme and this is due to the training interventions and other supports provided by the Board. Any increase in the number of employees who are bilingual since the implementation of the first scheme must be considered in the second scheme.

It is recommended that a description be given in the scheme of the training interventions proposed in an effort to increase the number of employees who are bilingual and who are willing and able to provide services through Irish. The link between the bilingualism of staff and the improvement in the attitude and the standard of the services being provided through Irish also needs to be demonstrated.

3. Active gestures and fostering demand

According to Section 27 of the International Covenant on Civil and Political Rights,

'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.'

[<http://www.unhchr.ch/tbs/doc.nsf/0/fb7fb12c2fb8bb21c12563ed004df111?Opendocument>]

The above extract will be implemented in the context of the scheme by providing a free language choice to the public in their dealings with the Board. It is important, on that basis, that the Legal Aid Board considers the following in the scheme:

- (i) It is not sufficient for the Board to satisfy demand for services through Irish. The Board is responsible for continually cultivating the demand for services through Irish.
- (ii) It is imperative that the public are aware that the Board offers services in Irish, that these services are clearly stated and that the public are genuinely welcome to use these services. This will be a start for a lifelong practice if undertaken properly and positively.
- (iii) It should be ensured that all the physical evidence in the Board points towards it being a bilingual place of work. This contributes greatly to the positive image of Irish in the Board.

- (iv) In this way the customer is given a positive assurance that its aim is to put the customer at his/her ease when they are seeking services through Irish.
- (v) The website is often used as a main point of contact with the Board. The Comhdháil demands that a language choice be provided for the user before they visit the Board's website. (e.g. www.pobail.ie) (See **Section 14 Website**)

The procedure used by public bodies which have agreed a language scheme with the Department of Community, Equality and Gaeltacht Affairs shows an increase in the demand for services through Irish with the public understanding of the Irish service available. The public body must be proactive in advising the public of their bilingual capabilities so that there is an increase in the demand for services through Irish.

It should be ensured that the Irish services being provided are being developed on a continuous basis, and that they are publicised accordingly.

4. Enhancing the bilingualism of the Legal Aid Board

An Chomhdháil recommends that staff members are advised of the range of high quality Irish courses available (e.g. Teastas Eorpach na Gaeilge (The European Certificate in Irish) www.teg.ie, Certificate/Diploma in Applied Irish provided by other third level institutions, Gaelchultúr courses).

An Chomhdháil also recommends that a module on language awareness be included as part of the orientation courses, training and high quality service to Customers to ensure that staff members are aware of the implications of the Official Languages Act and the impact of the Act on their work.

It is imperative that staff members who are willing to provide a service to the public through Irish are identified and that a list be provided of the Central Switchboard staff

members to assist customers who wish to have their business conducted through the medium of Irish.

5. A Bilingual Environment

It is proposed that a series of social events be organised through Irish for staff members (events should be open to both officials and administrators in the organisation). The events may be organised on a departmental basis or based on existing groups.

6. Ring-fencing of positions - Placement Policy and Recruitment Policy

- (i) There should be at least one executive/official designated to provide services through Irish from **every section** of the Legal Aid Board which deals with the public, i.e. administrative sections, and names and contact details of such employees (phone number, email address, etc.) should be published.
- (ii) It must be ensured that the receptionist/switchboard operator is competent in Irish so that he/she can effectively deal with calls in Irish.
- (iii) The Irish language should be recognized as a requirement for the above mentioned jobs when staff are being recruited. This requirement must be stated in every relevant job advertisement. In addition to this, the Legal Aid Board should be willing to provide in-house and external training courses so that its employees can meet the above requirement.
- (iv) Applicants may apply for a post through Irish or English and they will be able to have their interview conducted in Irish if they so wish.
- (v) As the Board's scheme is implemented service provision through Irish will gradually be increased. It must be ensured that opportunities for promotion are available to those involved in service provision through Irish, as a recognition of the service which they are providing and in order to ensure that their expertise in this area will be available to the organisation in the future.

- (vi) It is imperative that an appropriate monitoring and review mechanism be implemented in the Legal Aid Board in order to ensure that service provision through Irish and English is of the same standard. (See **Paragraphs 16 - 18** below)
- (vii) The Board must confirm the role of its employees, those who deal with the public as well as those who don't, during the promotion of the Scheme/Irish language in the Board.
- (viii) An organisation Chart is required which lists the employees who are willing and trained to provide services through Irish.
- (ix) The employees of the Board have a right to use the Irish language internally. To this end, a regular review will take place of the administrative system to ensure that staff members who wish to or who are willing to work through the medium of Irish have an opportunity to do so as a group/unit.
- (x) An Chomhdháil proposes the creation of a network of Irish speakers in the Board, to introduce them to one another and to encourage them to operate through Irish to strengthen the awareness of Irish in the Board.
- (xi) The Legal Aid Board shall encourage employees who are fluent in Irish and employees who are learning Irish to wear a badge to convey to the public that they will be able to conduct their business in Irish with these employees if they wish to do so.
- (xii) It is proposed that an in-house translator be recruited and appointed in the Legal Aid Board to ensure that published material is available bilingually and simultaneously - e.g. press releases.

An Chomhdháil recognizes that there is a recruitment embargo in place in the Public Service at the moment and that the Board will not be in a position to make any commitments regarding the recruitment of additional staff.

It is also recognized however that the recruitment embargo will not be in place forever. The Board has an opportunity to plan systematically for the provision of

enhanced services through Irish with a reduced number of staff by implementing the new scheme.

7. The role of the Irish Language Office / Irish Language Officer

An Chomhdháil proposes that the Legal Aid Board have an Irish Language Officer/Irish Organiser or an Irish Language Office. The experience of the Public Bodies reveals in general that the role of the Irish Language Officer is imperative for the implementation of the language scheme, as well as support and ownership at every management level in the organisation. It is essential, therefore, that each section in the Office recognizes the importance of the role of the Irish Language officer and that every support is given to him/her.

It is important for the Irish Language Officer to have a specific function and not be burdened with additional obligations, such as translation work. The development of the role of the Irish Language Office has a specific significance in the following areas:

- Formulating the Irish Language policies of the Board,
- Organising and providing Irish classes as necessary for the staff of the Board (in conjunction with the Training Unit),
- Organising a social and arts programme which contributes to the use of the Irish language in the Board headquarters,
- Strengthening the prominence of the Irish language and providing opportunities to staff members who wish to learn and speak Irish,
- Testing the other policies of the Board and all activities of the Board from a linguistic point of view, and
- Monitoring compliance of the commitments in the scheme and other provisions of the Languages Act.

To this end, a representative from the Irish Office should be present at all meetings of the Board's Management Consultation Committee to fulfil the role proposed above.

An Chomhdháil recommends that as part of the role of the Irish language office, staff members be given language support aids to enable and encourage them to provide services.

8. The Gaeltacht

The Gaeltacht community have specific language requirements. The Legal Aid Board must ensure that each service relating to the Gaeltacht is provided through the medium of Irish as a matter of course. That is to say, the Legal Aid Board should use Irish as its standard medium of communication with the Gaeltacht community and when discussing issues related to Irish.

9. Access to documents

All forms used by the public should be readily available bilingually in both Irish and English. It is proposed that application forms, information leaflets and all documentation by the Board are published bilingually within the same cover in accordance with best practice. Where this is not possible a process needs to be established to ensure that there is equal access to the two versions of the same document.

10. Stationery

The Board must comply with the regulations under Section 9(1) and confirm that it is Board policy for headed paper to appear in Irish or bilingually. As part of that policy, the text should appear in both Irish and English and be of the same size,

with the Irish text **above** the English text. Where a distinction is required precedence should be given to the Irish version.

11. Signage

The Legal Aid Board must comply with the regulations under Section 9(1) and confirm that the correct Irish version of local placenames are always used.

In relation to the obligation of the Board as regards signage in State buildings, the Board must always comply with the provisions of the languages Act, and this will contribute to the prominence of the Irish language in the State.

12. Third Parties

The terms of this scheme will be a condition for those who are working on behalf of the Board on contract or as a subsidiary.

Any agreement or arrangement between the Legal Aid Board and third parties shall comply with the terms of this scheme - including any service allocated on contract. A contractor will have to monitor all service provision and report to the Board accordingly. This necessary condition should be laid out clearly in the legal tender documents.

13. Public Meetings

It is recommended that the Board's officials should be mindful of the specific needs of the Irish speaking community and people from Gaeltacht areas, especially if a public meeting is being organised.

There should be a system to ensure that notices and any other publicity about public meetings are issued bilingually. Contributions must be welcomed in both Irish and English at public meetings organised by the Legal Aid Board.

14. Website

The website is often used as a main point of contact with the Board. An Chomhdháil commends the Legal Aid Board for its bilingual website. An Irish version of the website must be provided that makes information available to the public completely bilingually, with a clear option to switch languages on the pages.

The Board should continue with its policy / work plan in relation to the gradual development of a bilingual site, starting with static material including:

- reports and other publications,
- Board policies,
- Board rules,
- application forms, and
- other variable material e.g. press releases.

An Chomhdháil recommends that the Board include the following material on its website.

- The user should be offered a **choice of language** before he/she accesses the website. (e.g. www.pobail.ie)
- The choice of languages must always be **conspicuous** on the Board's website
- It is important not to mix languages (e.g. It should be ensured that no English appears on the Irish version of the site and that no Irish appears on the English version of the site except for the name of the Board, the names of people etc.)

- If the site is gathering information from users, for example if the user is asked to complete a form, the user should feel free to complete the details in his/her preferred language.

An agreed system needs to be in place for placing new information on the Board's website so that information regarding the Board's activities is readily accessible in both Irish and English.

15. Strategic Plan of the Legal Aid Board

The needs of the Irish speaking community must be considered in any amendments made to the Board's Strategic Plan.

16. Assessment System

It is proposed that:

- i) An accountability structure is established for the implementation of the scheme and action plan(s) set out accordingly.
- ii) An equality impact assessment be carried out in relation to the promotion of Irish under the scheme to ensure that each commitment under the scheme is beneficial to all stakeholders of the Board.
- iii) The Legal Aid Board will set out precise goals, a timescale to achieve these goals, and a section shall be designated for monitoring the implementation of the Scheme and will report on progress under the Scheme to senior management.
- iv) The Legal Aid Board shall demonstrate an assessment system for the delivery of the services and ensure that steps for improvement are identified.
- v) The Legal Aid Board shall seek continuous feedback from staff, and from the public, in relation to the performance of the Scheme. This system should be stated in the scheme.

- vi) The Board will have a clear complaints system in place to deal with complaints from the public where any deficiencies exist in the services available through Irish.
- vii) Where the standard of the bilingual service is not satisfactory, it will be imperative for the Legal Aid Board to set out the steps it will take to resolve the issue.

It must be noted that a lack of complaints is not a confirmation that high quality services are being provided. It is recommended that the number of complaints should not be used as a performance indicator for the Scheme. Feedback should be actively sought from customers to confirm the standard of services being offered under the Scheme.

17. Publicising the Agreed Scheme

- (i) The public should be aware of the Language Scheme of the Board and the associated aims through:
 - Press releases;
 - The official launch of the Scheme;
 - Regular advertising;
 - Dissemination to appropriate agencies;
 - Website

- (ii) It is essential that each employee of the Board be given a copy of the Language Scheme.

A note from the Chairman of the Board should also be disseminated, making clear that every employee has responsibility to implement the scheme, both Irish speakers and English speakers. Internal information sessions should be organised for the Board's staff so that every employee is aware of the Scheme's main policies.

18. Monitoring and Reporting Progress

- (i) The progress reports which are submitted to the Board's Management Consultation Committee should be published in a timely manner.
- (ii) An annual report should be made available to the public with regard to the progress of the scheme's performance and should be widely publicised.
- (iii) Progress achieved under the first scheme should be the starting point of reporting in the second scheme, thus clearly demonstrating that the Legal Aid Board is striving for excellence in the Irish Language.

19. Provisions of the Languages Act

The Legal Aid Board has another policy in place to ensure that all provisions of the Languages Act are implemented, including the publication of certain documents bilingually in accordance with Section 10 of the Act. Although there is no requirement to report on the compliance of the provisions of the Act in the scheme, the Board is advised to demonstrate positively that it is aware of the other statutory responsibilities in relation to the implementation of the Act by reporting on the policies that have been implemented to comply with those responsibilities.

Conclusion

Comhdháil Náisiúnta na Gaeilge wishes to highlight the need to provide services through Irish to the public and to do this with goodwill. It is essential that staff members and indeed the public are informed regularly of these services as an indication of the Board's commitment to serving the needs of the public, and to foster a demand for the services of the Legal Aid Board and encourage the speaking public to benefit even more from those services.

Summary

According to best practice, the necessary steps to design and implement a successful language scheme are as follows -

- The Board must plan and analyse their ability to deliver statutory commitments, paying particular attention to the costs and to the human resource needs of the organisation.
- Senior management, line management, and the staff of the Board must take ownership of the language scheme.
- An implementation plan must be prepared with appropriate resources available.
- An appropriate implementation structure and progress report structure must be established.
- A communication strategy must be agreed, showing the appropriate staff the commitments of the scheme that they are to implement.
- An appropriate monitoring system must be developed.
- Staff members who do not speak Irish must be supported - by providing regular training in language awareness to all.
- Staff members must be given clear direction in relation to their obligations under the Languages Act.
- A marketing plan must be implemented for bilingual services to develop demand for these services.
- Proactive planning for service provision through Irish must be undertaken.