



Ministry of
JUSTICE



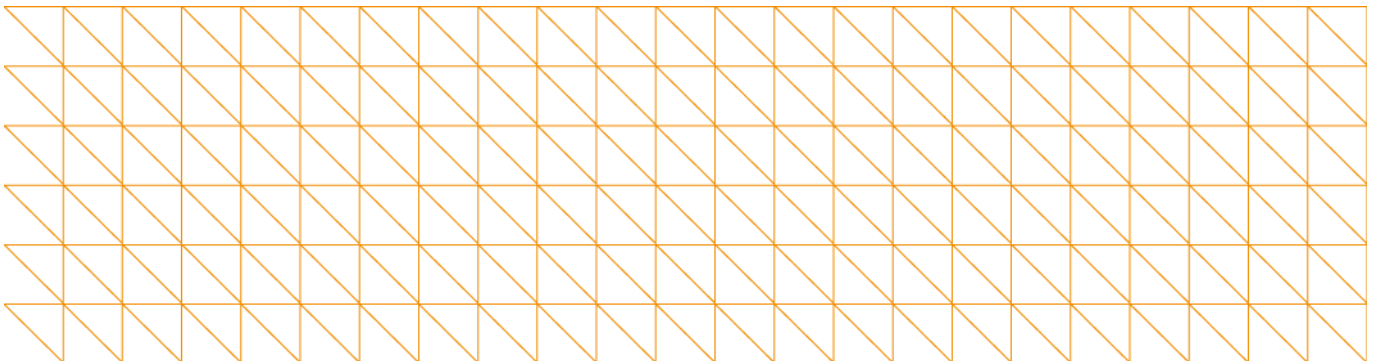
National Offender
Management Service

National Offender Management Service: Welsh Language Scheme

Summary of Responses

Response to Consultation CP(R)13/2013

This response is published on 26 March 2013





Ministry of
JUSTICE



National Offender
Management Service

National Offender Management Service: Welsh Language Scheme

Summary of Responses

Response to consultation carried out by National Offender Management Service, part of the Ministry of Justice. This information is also available on the Ministry of Justice website: www.justice.gov.uk

About this consultation

- To:** This consultation is aimed at NOMS Agency stakeholders in England and Wales and the wider public with an interest in access to the Welsh language in NOMS.
- Duration:** From 04/09/12 to 04/12/12
- Enquiries (including requests for the paper in an alternative format) to:** Suzanne Dean
NOMS Women and Equalities Group
Ministry of Justice
Clive House, 70 Petty France
London SW1H 9AJ
Tel: 0300 047 6588
Email: welshlanguage@noms.gsi.gov.uk

Contents

1. Introduction and contact details	3
2. Background	4
3. Summary of responses	6
4. Responses to specific questions	7
5. Conclusion and next steps	11
6. Consultation principles	12
Annex A – List of respondents	13

1. Introduction and contact details

This document is the post-consultation report for the consultation paper, National Offender Management Service: Welsh Language Scheme. It will cover:

- the background to the report
- a summary of the responses to the report
- a detailed response to the specific questions raised in the report
- the next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting **Suzanne Dean** at the address below:

NOMS Women and Equalities Group
Ministry of Justice
Clive House, 70 Petty France
London SW1H 9AJ

Telephone: 0300 047 6588

Email: welshlanguage@noms.gsi.gov.uk

This report is also available on the Ministry's website: www.justice.gov.uk.

Alternative format versions of this publication can be requested from welshlanguage@noms.gsi.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the National Offender Management Service at the above address.

2. Background

The consultation paper 'National Offender Management Service Welsh Language Scheme' was published on 04/09/12. It invited comments on our proposed approaches to ensuring that the Welsh language is equally as accessible as English within prisons, probation trusts and NOMS offices; our methods for delivery of these measures, monitoring of them and ongoing review.

NOMS has adopted the principle that in the conduct of public business and administration of justice in Wales, it will treat English and Welsh languages on a basis of equality. Our proposals were largely prison-focussed as there are many areas of prison related policy that need updating to bring our practices in line with the new Welsh Language Standards. The management of offenders in the community is less affected by this Scheme.

The Scheme committed us to:

- Creating a new **Prison Service Instruction (PSI)** on Welsh language which will act as our delivery mechanism in prisons and NOMS headquarters – a national policy document which is monitored and reviewed.
- An **action plan** which describes commitments and can be used to hold NOMS to account in the delivery of commitments, including target dates and ownership. The action plan will also be monitored and reviewed.
- **Updating our existing policies to:**
 - Ensure that our public facing staff in Wales are appropriately trained in Welsh and that there are sound procedures in place for accessing our Welsh speakers, wherever and by whomever they are needed
 - Provide prisoners with more opportunity to state a Welsh language preference and use that information to provide appropriate services for them whilst in custody
 - Improve the range and availability of materials in Welsh, for prisoners and staff
 - Look to improve our information storage collection and sharing;
- **Review and update our Welsh Language Scheme** on an annual basis.

The consultation period closed on 04/12/12 and this report summarises the responses, including how the consultation process has influenced the final Scheme.

The Impact Assessment was not commented on by those responding to the consultation. Therefore the consultation stage Impact Assessment has not been revised.

A Welsh language response paper can be found at [insert link]

A list of respondents is at Annex A.

3. Summary of responses

A total of **5 full responses** to the consultation paper were received, and an additional **3 email responses** which addressed specific points. Of these, 3 were from staff within the Ministry of Justice, and the others from members of the public.

The consultation exercise comprised 12 specific questions about the scheme. Many of these were about the general approach and the principles we were seeking to adopt. We did ask some specific questions about the best way to deliver services for particular groups of prisoners, for example, where there is no custodial facility for women in Wales and within prisons in England. We were particularly keen to hear views on how these issues could be addressed.

Overall, we received some helpful responses to our consultation which we will be able to use to amend the Scheme and inform the delivery of services. For example:

- We need to be clearer with our language in the Scheme e.g. some references to 'Welsh-speaking prisoners' or 'Welsh speakers' will be changed to 'prisoners whose preferred language is Welsh', on the basis that not all Welsh speakers will require or request a service.
- We need to be clear about ownership of actions particularly in terms of funding, and revisit our timetable for delivery to ensure it is achievable.

There were however some contradictory views which questioned the need for any Welsh language service. As these views were dismissive of the principles of the Scheme and were not constructive, they have not been used in the detailed summaries below; though in the interests of openness and transparency, the overriding message within those responses was that 'work on the Scheme should be abandoned'; that there was 'no need for anything other than English' and that 'resources would be better spent elsewhere'.

Otherwise, majority views (and where appropriate minority views) in response to the consultation questions were as follows:

4. Responses to specific questions

Question 1: How do you think the Welsh language service should operate outside of Wales? Should there be a group of prisons thought to hold the most Welsh speakers that receive an enhanced service?

Respondents thought that there would be value in having designated prisons in England that offer enhanced services in Welsh, particularly as staff would be more aware of the needs of Welsh speakers and the Scheme; but the underlying principle of the Welsh Language Act is that English and Welsh are treated equally and on this basis, all prisoners should be able to access Welsh, regardless of where they are. There were also potential issues in relation to isolation for Welsh prisoners in England for whom it would be difficult to provide a full Welsh language service.

Question 2: As highlighted on page 17 of the Scheme, there is no custodial facility for Women in Wales. With this in mind, do you have any particular views on how we can best accommodate the needs of Welsh speaking women in prison?

Again, respondents generally thought that it would be helpful to target specific prisons in the female estate and though it was thought to be advantageous to prisoners and staff, for example, to be able to converse in Welsh, it was equally felt that we should not be providing a service for women that is not available for men. Particular issues for women around isolation were identified which were thought to be potentially compounded if access to Welsh was limited too. There was a suggestion that we consider the idea of 'welsh-speaker receiver prisons' (including Eastwood Park, Styal and Drake Hall) whilst specifically working to target the particular needs of all women, who may be experiencing isolation.

Question 3: Is Section 7 – 'Welsh Language Service for prisons' clear on expectations on the prison service in delivering services to Welsh speaking offenders? Do you have any additional comments on this section?

With regards to Induction – respondents wanted reassurance that asking prisoners about their language preference would be monitored and also sought clarification on the feasibility of offering transfers to prisoners to locations that would better accommodate the Welsh language. One respondent highlighted the need to amend the early days PSI to make clear that Welsh prisoners have the right to a service in Welsh and this must not be conflated with a prisoner's understanding of, or ability to communicate in English. Telephone calls: where there were potential public / child protection issues it was accepted that this would be handled as it would with any other language.

Respondents were pleased to see that NOMS policy would be adapted to refer to Welsh speakers separately, rather than be conflated with foreign nationals as had previously been the case. Respondents reiterated that the key to the Welsh language service would be to provide equally for English and Welsh prisoners to promote inclusivity e.g. with Welsh reading materials. There was also a particular reference to prison chaplains being able to access sessional resources of Welsh speaking clergy and ministers when needed and to purchase copies of bibles and other religious publications in Welsh.

Question 4: Do you agree with the General Principles of the Scheme?

All respondents who engaged constructively with the consultation (as described on page 6) agreed with the general principles of the scheme and were impressed with NOMS' efforts.

Question 5: Do you agree with the details in Section 4 NOMS Agency Welsh Language Service? Do you have any particular queries?

A general point was made about the terminology we use – Welsh speaking prisoners should be referred to as 'prisoners whose preferred language is Welsh'.

In terms of a telephone service, there were concerns about the capacity to provide a proportionate number of Welsh speakers in prison to match numbers of service users in the community. Also the current translation service was thought to be insufficient to meet demand / need. One respondent suggested that a Welsh speaker wishing to converse in Welsh over the phone is offered the option of the call being transferred to another Welsh speaker or the MoJ Welsh Language Unit *[we have already committed to making a list of Welsh speaking staff who are able to hold a telephone conversation in Welsh, available to all staff]*.

With regards to corporate identity, one respondent asked that Welsh signage in NOMS offices in Wales include prisons *[this has always been the intention – the term 'NOMS offices in Wales' includes prisons. This has however highlighted the need to change the language in the Scheme to ensure we are clear about the offices / establishments etc. that we are referring to]*.

It was thought that terms such as 'as far as is reasonable and possible' were not appropriate and had the effect of watering down the principle of the Scheme. *[We agree with this statement, and will amend relevant parts of the Scheme to make clear that we will deliver services in line with security and public protection protocol]*.

Information and communication technology: In terms of Oasys, delay in the translation of pre-sentence reports and risk assessments into Welsh was not considered fair by one of the respondents; likewise, the need to translate from Welsh to English when the report is needed immediately upon prison transfer. The suggested solution to this was to provide automatic translation software and at the outset.

Public meetings and conferences: one respondent thought that Welsh speakers should not have to give advance notice if they wish to participate in Welsh. The best solution was thought to be to conduct all meetings bilingually, including meeting papers / materials.

In terms of publication availability in Welsh, there was a suggestion that the criteria for not translating into Welsh be reconsidered to ensure that smaller groups are able to access information for which they may have equal or more need.

Question 6: Do you agree with the details at Section 5 Implementing the Scheme? Do you have any particular queries?

Respondents were generally content with the implementation plans. One respondent wanted clarification on the role of a Welsh language champion. Another thought that current recruitment capabilities may prevent application in Welsh. There was also a suggestion for collaborative work between Wales Probation and NOMS on joint objectives.

Question 7: Do you agree with the Introduction and the high level descriptions of each division's involvement in implementing the Welsh Language Scheme? Are the descriptions clear?

Most respondents agreed with the introduction and high level descriptions. One view was that the reference in para 8.4 to the lack of need for Welsh language skills in most prisons on the basis that most Welsh prisoners will be in Wales could be wrong as there were no figures to back it up.

Question 8: Do you agree with Section 9 - 'Monitoring the Scheme and Publishing Information'?

Most respondents agreed with this section but there was some questioning in terms of monitoring services provided by third parties and monitoring the numbers of prisoners whose preferred language is Welsh.

Question 9: Do you agree with our methods of publicising the Scheme, including our complaints procedure?

Respondents generally agreed. There was a question about the process for identifying and recording complaints made directly to prisons. There was also a suggestion that we seek the opinion of stakeholders (including prisoners) of the quality of the Welsh language service via a questionnaire.

Question 10: Do you agree with the timescales and responsibilities as set out in the NOMS Welsh Language Scheme Action Plan – Annex A?

The majority of respondents thought that timescales in the action plan were ambitious and would need to be reviewed with final publication of the Scheme.

Question 11: Do you know of any other relevant policy documents that should be referenced at Annex B and within the main text of this Scheme?

None of the respondents were aware of any other relevant policy documents.

12. Any Other Comments:

Additional comments received were as follows:

‘NOMS Cymru is committed to the implementation and compliance of a Welsh Language Scheme on the basis of equality, so far as is both appropriate and reasonably practicable. In spite of this the consultation document is not clear about the expected costs to be met at a local level, i.e. what expectation is there for establishments to fund the scheme’s implementation or is this expected to be minimal based on adopting a practical approach that will be proportionate to demand; for instance action point 52, who will fund Welsh language training, is this training mandatory for all staff and if so to what level of achievement is expected? Has consideration been given to costs and time involved in the publication of relevant local documents, or does this fall within what is classed as appropriate and reasonably practicable approach. Can consideration be given to how the Courts can inform prisons of sentenced Welsh speaking offenders – this is more of an issue for HMP Cardiff, HMP Swansea and HMP Parc as these are local prisons and take offenders direct from the Courts.’

‘Noted is the commitment with HMCTS on how to best approach issues around information sharing on the Welsh Language preferences of offenders (Action Plan (Point 65 -p 39). Wales Probation may also be able to assist / contribute in progressing this important issue.’

‘There is a need to ensure that Accredited Programme materials for offenders are available bilingually.’

‘We welcome the publication of the document and also thank you for the opportunity to provide comments. Whilst we have identified some important issues, we feel that this is a very positive document which supports treating Welsh and English on an equal basis. If successfully implemented, it could make a real difference to stakeholders including offenders (whose preferred language is Welsh) and who are part of the Criminal Justice system in England and Wales.’

Conclusion and next steps

The majority of full responses received were from staff within the Ministry of Justice in Wales, who are familiar with the delivery environment and the issues for people whose preferred language is Welsh. Where suggestions are proportionate and reasonable, we will amend the Scheme accordingly.

We have also held discussions with the various policy holders during the consultation period to begin implementing the action plan. These discussions have enabled us to make useful links with policy leads and determine the best approaches. For example, whilst the suggestion of having an enhanced service at designated 'Welsh-speaker receiving prisons' was thought to be a good idea by respondents, we have decided that it should be possible for us to provide this enhanced service to all prisons in England. Also, we could not be sure that a system of this kind would cater for all prisoners whose preferred language is Welsh.

In conclusion, this consultation did not receive the volume of responses that was anticipated, but responses were mostly helpful and sensible. As a result, the WLS will not change significantly; rather it will be tweaked to ensure compliance with the standards, accuracy and completeness. Most of the comments made in the responses relate to delivery on the ground, the detail of which is more appropriate for the PSI.

Next Steps

We will continue to amend our Scheme in light of this consultation and aim to publish by 1st April with approval from the Commissioner. We will then begin delivery of the action plan and drafting of the new PSI.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

www.cabinetoffice.gov.uk/sites/default/files/resources/Consultation-Principles.pdf

Annex A – List of respondents

Wales Probation – Ella Rabaiotti

HM Courts and Tribunals Service - Natasha Whitney-Jones

NOMS Cymru and the Welsh Prison Estate - Sonia Davies

Liverpool Diocesan Council for Social Aid - Ultan Russell

Members of the public - Norman Scarth, Tony Frost, Lou Sharman, David Barnard

© Crown copyright 2013
Produced by the Ministry of Justice

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or email: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

Alternative format versions of this report are
available on request from
welshlanguage@noms.gsi.gov.uk