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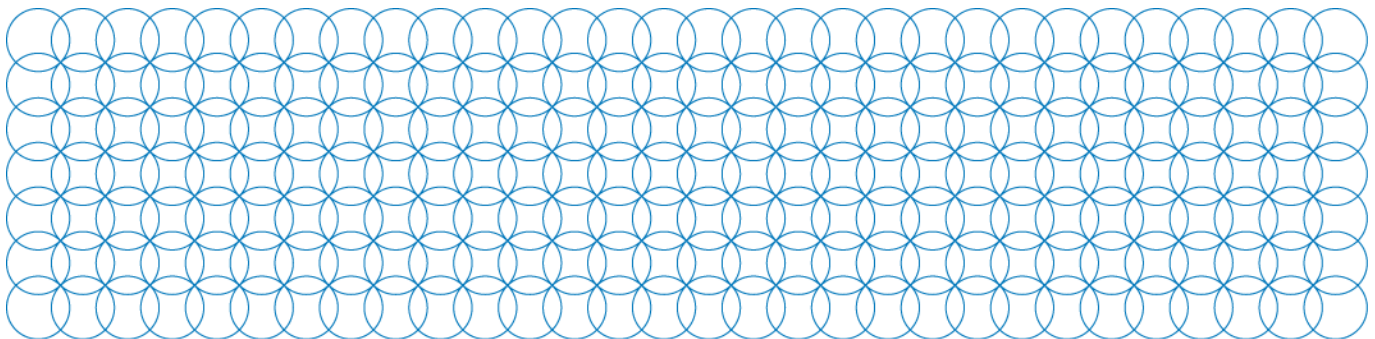
National Offender Management Service

Welsh Language Scheme

Consultation Paper

This consultation begins on 4 September 2012

This consultation ends on 4 December 2012



NOMS AGENCY WELSH LANGUAGE SCHEME
CONSULTATION PAPER

National Offender Management Service

Welsh Language Scheme

**A consultation produced by the Ministry of Justice. It is also available on the
Ministry of Justice website at www.justice.gov.uk**

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About this consultation

To: NOMS Stakeholders and the wider public
Duration: From 04/09/12 to 04/12/12
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1. Introduction

This paper sets out for consultation on the NOMS Agency Welsh Language Scheme. The consultation is aimed at the public in England and Wales and NOMS Agency stakeholders. A Welsh language version is also available at www.justice.gov.uk

This consultation is conducted in line with the government's Code of Practice on Consultation and falls within the scope of the Code. The consultation criteria, which are set out on page 60, have been followed.

This paper does not contain an Impact Assessment as the proposals in this paper are inward facing and are unlikely to lead to additional costs or savings for businesses, civil society or the public sector. If you disagree with this conclusion, concerning the likely regulatory impact of the Scheme set out in this paper, you are invited to send your reasons as part of your overall response to this paper. Comments on the Equality Impact Assessment initial screening attached at Annex D are very welcome.

The National Offender Management Service Agency (The NOMS Agency) is responsible for adult offender management in England and Wales and is part of the Ministry of Justice. This Welsh Language Scheme takes account of the overarching scheme of the Ministry of Justice and seeks to manage the requirements of Welsh speaking service users, in custody in England and Wales and on community orders and licenses in Wales, based on the principle of equality for English and Welsh. This applies to the services that we provide ourselves, as the NOMS Agency, and those services provided by others on our behalf.

To ensure that we are still meeting the necessary requirements, we have designed a scheme that places responsibilities within existing local structures and allows for changes in existing policy. This is the ultimate aim with all Equalities work – to encourage, support and monitor local performance against the required standards in order to make lasting changes to the prison and probation cultures.

The organisation is still in the process of a restructure which has led to various structural changes and will bring more. This version of the scheme is based on our current make-up but may be subject to change once the restructure is complete. If this information is not available at time of publication, we will issue amendments to the scheme in due course

The Ministry of Justice's Welsh Language Scheme was published in March 2010 and provides the overarching framework within which this Scheme has been prepared and links to. Although it captures the general principles of the

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requirements of the Welsh Language Act, it does not go into detail. The Welsh Language Measure is the driving force behind the new NOMS Scheme.

NOMS has adopted the principle that in the conduct of public business and the administration of justice in Wales, it will treat the English and Welsh languages on a basis of equality. This Scheme sets out how NOMS will give effect to that principle when providing services to the public in Wales.

This Scheme has been prepared in accordance with Section 21 of the Welsh Language Act 1993, by which the National Offender Management Service Agency (the NOMS Agency) will:

- have regard to any guidelines issued by the Welsh Language Commissioner (as detailed on their website: www.comisiynyddygybraeg.org)
- send the proposed Scheme to the Welsh Language Commissioner prior to adopting it;
- if we do not give effect to the amendments suggested by the Welsh Language Commissioner, send a written statement of the reasons for not doing so to the Commissioner.

The NOMS Agency has acknowledged the Welsh Language Measure in the creation of this scheme. To this end, this Welsh Language Scheme will ensure that the NOMS Agency is prepared for the Welsh Language Measure and its expectations on the agency. The Scheme is also intended to inform the Welsh Language Schemes of the Wales Probation Trust, and other relevant NOMS Agency providers.

2. The Proposals - Background & Definitions

2.1 NOMS Agency

The National Offender Management Service (NOMS) was inaugurated in April 2004. On 1 April 2008 it formed the NOMS Agency, with HMPS merging into the new Agency. The purpose of the agency is to bring the Prison and Probation services under one corporate body, to establish a unified system of offender management for England and Wales and clear accountability for reducing reoffending.

All references to people in Wales include the public and staff accessing NOMS Agency services delivered across England and Wales.

2.2 Offenders in Wales

The following is intended to provide some indication of the numbers of offenders in Wales who will be affected by the Scheme.

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During 2009 Courts in Wales dealt with approximately 83,000 cases of which more than 38,500 were adult criminal offences. On average this would result in an annual number of about 7,000 offenders receiving a prison sentence and up to 10,000 receiving a community sentence supervised by probation. At any one time Wales Probation Trust may have up to 16,000 offenders to supervise. Current capacity of prisons in Wales is about 3100 prisoners at November 2011, and there are no women's prisons in Wales. At any time approximately 40% of male prisoners sentenced from courts in Wales are held in prisons in England

Currently, the Directorate of Commissioning and Commercial is responsible for commissioning offender services in prison and in the community in Wales. This involves close collaboration with the Welsh Government in respect of its devolved responsibilities that impact on offending behaviour.

2.3 Welsh speaking prisoners in England and Wales

There are four Prisons in Wales, HMP Cardiff, HMP Swansea, HMP Usk/Prescoed and HMP/YOI Parc. Whilst current prison capacity in Wales is not sufficient to accommodate all those sentenced to custody by a court in Wales, we will look to accommodate Welsh prisoners in Wales as far as practicable.

Within all prisons in England and Wales a minimum service in Welsh will be required. The expectations on prison Governors and Directors of contracted prisons, in delivering these services are detailed at Section 7 of the Scheme.

We are considering over the course of the consultation period whether it would be sensible to have a tiered system, whereby prisons in England that are likely to receive high numbers of Welsh speakers are expected to offer a wider range of services.

2.4 Probation in England

Based on previous knowledge, the number of Welsh offenders on community orders in England who wish to have services provided in Welsh is expected to be minimal. However, if there is an offender who prefers to speak in Welsh and is located in England, the relevant Probation Trust can link with the Wales Probation Trust to look at the options for providing the relevant services as far as is practicable.

2.5 Probation in Wales

The Wales Probation Trust will take responsibility for implementing its own Welsh Language Scheme for Probation services in Wales. The NOMS Agency Scheme

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should help inform that of the Wales Probation Trust and ensure a consistency in delivery.

2.6 Shared Services Centre

The Shared Services Centre (SSC) is located near Newport, South Wales and provides the corporate services for prison services in England and Wales, and for the NOMS Agency, e.g. HR, Finance. As such the SSC will be required to implement the NOMS Agency's Welsh Language Scheme. However, as the Shared Service Centre is located in Wales, some of the service requirements have also been reflected in the NOMS offices based in Wales sections i.e. Business Delivery. These will be highlighted within the Scheme.

3. General Principles

3.1 The delivery and standard of the NOMS Agency Welsh Language Service

All of the current NOMS policies that have a relevance to the Scheme are either already being implemented or are referenced in the action plan at Annex A for implementation.

The NOMS Agency is committed to delivering a consistent standard of service regardless of whether those services are delivered in English or in Welsh.

We will monitor the delivery and standard of our service through our commissioning and performance arrangements with internal and external providers.

3.2 Planning of services

In the planning of our services, we are committed to taking into account the need to provide equally for English and Welsh language speakers as outlined in this Scheme. This will include how services will be provided to prisoners from Wales held in prisons in England and whose preferred language is Welsh.

3.3 New policies and procedures

All new policies and initiatives by the NOMS Agency that will affect people in Wales and Welsh speaking prisoners in England will be assessed using our Welsh language project checklist (this will be made available to staff) to ensure that appropriate services are available to Welsh speakers. All those involved in policy development, its implementation within the NOMS Agency and its contractor organisations will need to take the Welsh Language Scheme and our

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responsibilities under the Welsh Language Act into account. We will seek to promote the use of the Welsh Language in Wales through new policies and procedures wherever possible.

The NOMS Agency will consult the Welsh Language Commissioner regarding any proposals which will affect this Scheme, or will affect the Welsh Language Schemes of other public organisations. In accordance with the provisions of the Welsh Language Act, no alterations will be made to this Scheme without the Commissioner's agreement.

3.4 Implementation

The NOMS Agency will ensure that its services in Wales and within the identified prisons in England are delivered in a way which treats the English and Welsh languages as equal, for example, that there are no obstacles such as our prescribed forms, regulations, rules or procedures which inhibit the use of Welsh where the services are provided to people in Wales. We will also look to ensure that local Equality Impact Assessments take Welsh language into account.

3.5 Service Level Agreement and Contract Considerations

In considering Service Level Agreements and provider contracts the NOMS Agency will include measures for organisations to apply the principle of equality for both English and Welsh languages for delivery of services and will monitor to ensure equally high quality services are delivered in both Welsh and English.

We will include Welsh Language measures in guidelines for setting up provider contracts to ensure Welsh Language is incorporated into the necessary contracts and that the expectations are easily understood.

The Scheme will apply equally to contracted and public sector prisons.

4. NOMS Agency Welsh Language Service

4.1 We aim to deliver a high quality Welsh language service and, in keeping with the requirements of the Welsh Language Act 1993, to adopt the best possible practice with regard to the use of Welsh.

To achieve this we will:

- ensure equal treatment of English and Welsh in Wales and for Welsh speaking prisoners placed in England;
- publish our Welsh Language Scheme to ensure understanding and openness;
- set clear guidelines for dealing with Welsh-speakers;

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- identify contacts points for the public to use within NOMS Agency to aid further understanding, promote improvements and draw attention to shortcomings in the policy's implementation;
- ensure the availability of Welsh speaking staff in Wales in proportion to the number of Welsh speakers in the community that they provide services to.
- monitor our performance in providing high quality services in Welsh by regularly reviewing the effectiveness of the Welsh language service and setting targets for improvement.

4.2 In applying the principle of equality for both English and Welsh languages to NOMS Agency work we will:

- provide bilingual provision and services whenever they are required to people in Wales and Welsh speaking prisoners placed in England as far as is reasonable and possible;
- give close attention to linguistic and cultural dimensions in the development and implementation of all our work in Wales and for Welsh speaking prisoners placed in England;
- ensure that publications aimed at the public in England and Wales are published in Welsh, unless they fall into one of the categories that are not within the remit of this Scheme, as detailed in 4.10;
- consult with the organisations that we work with and note the language used in their first contact;
- where there is a stated preference to conduct any undertaking in Welsh, ensure such resources and expertise are put in place for this to be achieved;
- ensure that our work and our activities which derive from the Welsh Government's requirements and initiatives, are conducted bilingually as required;
- promote initiatives to raise awareness and standards of Welsh language provision in Wales and to Welsh speaking prisoners placed in England;
- ensure that information is gathered about each potential providers' compliance with the Welsh language requirements in their contracts to deliver services in Wales or to Welsh speaking prisoners placed in England;
- monitor services that deliver to people in Wales and Welsh speaking prisoners in England through Service Level Agreements and/or contracts, ensuring compliance with Welsh language requirements;
- examine Service Level Agreements and/or contract monitoring outcomes for services that deliver to Wales or Welsh speaking prisoners placed in England; and
- maintain regular dialogue with the Welsh Language Commissioner about our work and consult with its representatives on matters of mutual interest.

4.3 Corresponding with the public

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The NOMS Agency welcomes written communication in Welsh or English and will respond in the language in which communication is received. The response times will be the same whether the correspondence is conducted in English or in Welsh. We will issue guidance to NOMS Agency staff on the use of translation services before this Scheme takes effect.

Correspondence which we initiate about matters which have a general application in Wales will be in a bilingual format. All personal correspondence will be written in the preferred language (English or Welsh) of the person receiving the letter if this is known. Where the preferred language is not known, the initial letter to a member of the public in Wales will be bilingual

4.4 Telephone and face-to-face communication with the public

NOMS Agency staff outside Wales have limited contact with the general public of Wales. Therefore it is not practicable for us to offer a Welsh Language telephone service. We will offer those who call us and who wish to speak in Welsh the option of writing to us in Welsh or continuing the conversation in English. Alternatively they may be directed to NOMS offices based in Wales.

Any person contacting one of our locations in Wales (including prisons located in Wales) by telephone is welcome to do so in Welsh or English. Everyone will be greeted bilingually. If the person answering is unable to speak Welsh the caller will be transferred, if they so wish, to a member of staff able to converse with them in Welsh. Visitors will receive a similar service.

To achieve this we will:

- ensure that all staff can provide a bilingual greeting;
- ensure that where Welsh speaking staff are not present, the offer will be made to arrange for a Welsh speaker to return the call as soon as possible. Alternatively the caller will be offered the option of either continuing the call in English or writing to us in Welsh; and
- welcome visitors who wish to communicate in Welsh or English. If no Welsh speaker can be found at the time to deal with a visitor wishing to converse in Welsh, arrangements will be made to find one. Staff working in reception areas will be notified of the requirements to provide a service in Welsh when required and will be made aware of the arrangements for providing that service.

4.5 Translation services

We will secure effective translation services of a high quality which enable us to meet the requirements of the Scheme.

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To achieve this we will:

- monitor the achievement of agreed time targets;
- evaluate the quality of the translations produced and provide feedback to the translation service;
- ensure any translators commissioned to undertake translation work on behalf of NOMS Agency are approved translators such as the Welsh Association of Translators and Interpreters or have the University of Wales' Certificate in Translation;
- aim to use translators who have experience of translating for the Criminal Justice System.

Translation services will be contracted by NOMS Agency centrally ensuring that the translation service meets the requirements set out above. This will ensure that each establishment/department accessing translation services using the contracted service is meeting the requirements also. Probation Trusts will have their own local arrangements for translation services.

4.6 Information and communications technology

The NOMS Agency encourages and welcomes the use of Welsh and English in electronic communication from people in Wales and Welsh speaking prisoners in England.

To achieve this we will:

- ensure that any new NOMS Agency website that is public facing is bilingual;
- when designing new websites, or redeveloping our existing websites, we will take into account the Welsh Language Commissioner's [Bilingual Software Guidelines and Standards](#) and any other guidance issued by the Commissioner with regard to developing websites.

Whenever we post publications on our websites that are to be available in Welsh as specified within this scheme (section 4.9), the Welsh versions will be posted at the same time.

When NOMS provides information relevant to the public in Wales through external websites, we will provide that information in both English and Welsh and ensure that the information is published bilingually on those websites.

On the development and delivery of IT systems and products or the updating of old ones, the NOMS Agency will:

- at the outset assess the linguistic requirements in providing services to people in Wales and Welsh speaking prisoners in England;

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- ensure that any new software is compatible with the Scheme and our commitment to providing services in Welsh and English. Where NOMS Agency is involved in the commissioning or buying of new IT software we will ensure Welsh language requirements are specified where necessary, and that these are met where possible; and
- promote and facilitate access to Welsh IT systems and products in Wales as reasonably practicable.

4.7 Offender Assessment System (OASys)

The OASys system is a tool for viewing OASys assessments across prison and probation service in order to support the offender management process. Staff are required to complete the assessment in English. This is to ensure that where it is necessary to view an offender's OASys Risk Assessment quickly, for example when an offender transfers between establishments or is released into the Community, information about the risk that the offender poses is available in order to protect other prisoners, staff and the general public.

The OASys Self-Assessment Questionnaire is a paper form completed by the offender or prisoner and entered into the OASys application afterwards; this is available in Welsh for Welsh speaking offenders. Where Court Reports or Sentence Plans are produced for Welsh speaking offenders, the Probation Area or Prison is responsible for arranging for translation to be done. This process works to provide Welsh speaking offenders with the information about them that English speaking offenders have, while also making sure that information about the risk of serious harm posed by the offender is available to all staff that may need to access it at short notice. A hard copy of the OASys manual is produced in both English and Welsh.

We want to ensure that Welsh speaking offenders have as much information and access to the justice system as English speaking offenders. But we also need to ensure that all NOMS providers who require access to offender information can view and/or contribute to the relevant OASys Assessment, Court Report or Sentence Plan.

4.8 Public meetings and conferences

When arranging meetings in Wales involving the public we will consult the Welsh Language Commissioner's [Bilingual Meetings](#) guidance in considering the practical arrangements required to ensure that everyone can speak and understand in the language of his or her choice.

To achieve this we will:

- ensure that in order to identify the requirement for a bilingual public meeting, consideration is given to the linguistic profile of the area in which

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the meeting is being held. In areas of low concentration of Welsh speakers, any materials used to provide notice of a meeting will invite Welsh speakers to inform us if they wish to participate in Welsh in advance; and

- ensure guidance is available to staff to help them decide whether translation facilities such as providing presentation materials in Welsh, and simultaneous translation equipment are needed having regard to the subject to be considered and the location.

4.9 Corporate identity

We will present a fully bilingual corporate identity on all bilingual correspondence, documents and publications used in Wales, including the bilingual NOMS Agency logo. Any departmental correspondence addressed to a member of the public in Wales or a Welsh speaking prisoner in England will be on bilingual headed paper, regardless of whether the letter is written in Welsh or not.

Information signs in and around NOMS offices based in Wales and the Shared Services Centre near Newport will be bilingual, with both languages given equal prominence in terms of format, size, quality and legibility. We will ensure that all new or replacement signs are bilingual.

Organisation name, address and logo will be bilingual and used in all publications/references/presentations. We will ensure that letter headings, compliment slips, cover sheets (fax and others), staff business cards, email signatures and similar items are bilingual and the two languages afforded equality in terms of format, size, quality, legibility and prominence.

4.10 Publications

The NOMS Agency will make publications available in Welsh or in a bilingual format if they are relevant to the public in Wales or have an all-Wales relevance unless they fall into one of the categories detailed below.

In the main, the following categories of documents will not fall within the remit of this scheme:

- if circulation is expected to be very limited;
- technical documents where the circulation is restricted to the technical community;
- documents aimed at a specific group where demand in Welsh is expected to be low (generally, distribution to under 50 organisations);
- very large documents (generally, those in excess of 100 pages) which, although available to the general public, are unlikely to elicit widespread interest and response.

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If documents have not been translated into Welsh for one or more of the reasons above, we will consider translating the document into Welsh on request. This will however be dependent upon demand and re-consideration of the factors above.

There may be rare instances when publication in Welsh upon request is still not feasible, such as planning application documents which may be hundreds of pages long. In these cases we will translate a summary document on request and make this available to the public.

The NOMS Agency will ensure that all reports that are to be available in Welsh are published in a bilingual format unless this will render the document unwieldy.

4.11 Press notices

We will issue press releases to the Welsh language press and the Welsh broadcasting media in Wales in Welsh where deadlines permit. We will compile a list of Welsh Language Press and Media services in Wales and make the list accessible to staff.

Press notices about all aspects of our work will be issued bilingually within NOMS offices based in Wales. Notices will be distributed to English-medium and Welsh-medium media centres in Wales. To achieve this we will add to existing office instructions to ensure that all press notices and releases are issued bilingually and monitor compliance.

4.12 Publicity material

When NOMS Agency run publicity campaigns directed at people from Wales, we will communicate messages in both Welsh and English in, for example, posters, leaflets, advertisements and videos. When we issue a general advertisement that is not for recruitment purposes, we will issue a bilingual version in the Welsh press if it relates to:

- matters of major significance to England and Wales as a whole;
- matters of particular interest in Wales.

We will ensure that all publicity material produced in Wales for use in Wales, in print or other format, including exhibition material, is produced bilingually.

To achieve this we will produce and monitor the production of Welsh and English language publicity materials to ensure a consistent quality in the final published material in both versions.

4.13 Services delivered on NOMS Agency's behalf by others

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We will ensure that arrangements and contracts (including sub-contracts) with third parties that relate to the provision of services to people from Wales are consistent with the terms of the scheme and are implemented accordingly.

Specifications for services will include relevant measures relating to the use of Welsh. Any organisation which applies to carry out activities, or is awarded a grant or loan for activities which involve the delivery of service to people in Wales or Welsh prisoners in England will be expected to address in their applications how they intend to provide those services in Welsh as well as English. This will then be incorporated as one of the funding conditions. We will have regard to the Welsh Language Commissioner's guidance document [*Awarding Grants, Loans and Sponsorship: Welsh Language Issues*](#).

NOMS is committed to ensuring that all its commissioning and contracting arrangements fully reflect and enhance the development of the provision of Welsh language services in its work with providers, stakeholders and service users and through its work in the management of offenders and its aim of reducing reoffending.

NOMS works with many partners, and services may be provided through sub-contracting arrangements. To ensure that providers who are working with NOMS comply with this Scheme we will:

- make sure that all Service Level Agreements and/or contracts/sub-contract are consistent with the terms of this Welsh Language Scheme;
- include specific requirements concerning the use of Welsh in Service Level Agreement and/or contract/sub-contract specifications;
- provide written procedures for staff who are involved with Service Level Agreements and/or contract/sub-contract arrangements;
- scrutinise all Service Level Agreements and/or contracts/sub-contracts carefully to ensure that the specifications are met. Through the terms of the Service Level Agreement and/or contract/sub contract we are able to ensure that the provider implements the relevant sections of our Language Scheme.
- where a contract operates nationally (for England and Wales) it will be expected that provision supplied in Wales will comply with the NOMS Agency Welsh Language Scheme and this will be monitored by NOMS Agency.

4.14 Partnerships

NOMS Agency works in partnership with public bodies, the third sector, the private sector and faith organisations. In working with others the NOMS Agency will adopt the following approaches:

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- when responsible for the strategic and financial leadership of a partnership, NOMS Agency will ensure that the provision to people in Wales and Welsh speaking prisoners in England is compliant with its own Welsh Language Scheme;
- when involved in a partnership led by another body, NOMS Agency will ensure that its own input to the partnership in providing services to people from Wales is compliant with this Welsh Language Scheme and will encourage the other parties to do likewise; and
- when operating through co-commissioning in providing services to people in Wales and Welsh speaking prisoners in England, NOMS Agency will encourage all co-commissioners to have in place a Welsh Language Scheme or to adopt its language policy. NOMS Agency will operate in accordance with its own Welsh Language Scheme.

When either joining or forming a partnership, NOMS Agency will expect the potential partners to provide Welsh Language Schemes, language policies or arrangements for operating bilingually in Wales or to Welsh speaking prisoners in England. As part of every partnership, NOMS Agency will offer advice and assistance to the other parties concerned.

5. Staff

5.1 Staff Skills & Training

NOMS offices based in Wales and the Shared Services Centre will aim to have a sufficient number of bilingual staff to carry out their business in line with the requirements of this Scheme, in order to provide a service to the Welsh-speaking public and other organisations that we work with.

To achieve this objective we will:

- incorporate linguistic skills into local Business Skills Strategies to assess if Welsh Language requirements are being met;
- consider the Welsh Language skills requirements of different posts within the organisation using the recruitment guidance. This will be followed by an audit of the skills of staff currently in those posts;
- monitor the language capacity and language awareness of staff to make sure that we have the bilingual skills to meet the requirements of this Scheme;
- determine contingency arrangements to deal with Welsh language correspondence or calls at times of shortfalls in bilingual resources in NOMS offices based in Wales;
- refer to the Welsh Language Commissioner Guidance document [Promoting and Facilitating Bilingual Workplaces](#) as necessary.

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Staff located in Wales who are responsible for dealing with external calls will receive basic Welsh Language training. Training will also be offered to staff, to develop or enhance their speaking and writing skills in Welsh. To achieve this we will:

- support staff who wish to attend courses to improve their speaking/writing skills;
- provide in-house training for improving accuracy in writing; and
- take into account the training needs identified during induction and subsequently in appraisals, to plan language development courses for staff in accordance with their requests and with the needs of NOMS offices based in Wales.

5.2 Recruitment

Where adverts are to be placed in publications circulated in Wales, NOMS Agency offices will do so in bilingual format, in accordance with NOMS recruitment guidelines.

When recruiting staff within a location that deals with people from Wales, the Welsh language capacity of current staff will be considered and if necessary the opportunity may be taken to tackle shortfalls in the Welsh Language capacity of the location. The linguistic nature of the area that it serves and its service users will also be taken into account to inform Welsh language requirements. In these instances we will consult the Welsh Language Commissioner's guidance document [Recruitment and the Welsh Language](#). NOMS offices based in Wales will offer guidance to any location recruiting for posts that have a Welsh language component.

NOMS Agency recruitment guidance will be amended to include Welsh Language skills. When considering if Welsh language skills are essential, desirable or not required the following criteria will be applied:

- amount of contact with people from Wales
- current skills levels within the department
- current skills levels within the location/office

We will employ a sufficient number of bilingual staff to enable Welsh language work to be carried out effectively and efficiently within the set timescales.

Where Welsh language skills are deemed essential requirements of the post and the Welsh language press is used the advertisement will appear in Welsh only. We will monitor and make sure that recruitment advertisements are produced and published in accordance with our requirements.

External recruitment materials for posts based in Wales will be produced bilingually and will include the level of Welsh that is desirable or essential for

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speaking and/or writing. The current application process will be adapted to ensure external applicants have the opportunity to apply for roles based in Wales in Welsh if they wish to.

We will ensure that every applicant to a position in Wales that receives an invitation to interview is given the option of a bilingual interview. The proportion of Welsh and English used at interview may differ based on the level of English and Welsh that will be required of the role itself. We will include guidelines on bilingual interviews in the recruitment guidance for those involved in recruitment to ensure a standard is met.

6. How the Scheme will apply to prisons

6.1 Prisoners in Wales

There are four Prisons in Wales, HMP Cardiff, HMP Swansea, HMP Usk/Prescoed and HMP/YOI Parc. Whilst current prison capacity in Wales is not sufficient to accommodate all those sentenced to custody by a court in Wales, we will look to accommodate Welsh prisoners in Wales as far as practicable. To provide some perspective, Annex C shows the custodial location of offenders from Wales in September 2010. The scheme will ensure that prisoners who indicate that their preferred language choice is Welsh will have access to services in Welsh.

Many services in Welsh prisons are already provided in Welsh. This Scheme aims to enhance those services and use the good practice, skills and experience within these prisons to build on Welsh language services in England.

6.2 Prisoners in England

We recognise that there will be a number of Welsh speaking prisoners in custody in England who may wish to access services in Welsh. We are currently considering how best to facilitate this as we do not currently have the data to determine where the most need is. We will however encourage Welsh speaking prisoners to make requests in respect of their individual needs and in turn, promote positive engagement from staff at the prison.

There is no custodial facility for women in Wales which means that women prisoners are held in prisons in England. To ensure that our Welsh-speaking female prisoners are not at a disadvantage, it may be necessary to enhance Welsh language access in the female estate. We are currently considering the best way forward and would welcome particular thoughts on this from our stakeholders during the consultation. Please refer to Question 2 of the Consultation Response Template (page 50).

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As with all prisoners, there will be an opportunity to make an application for transfer. Any impact a change in location may have on access to the Welsh language will be discussed with the prisoner.

We will ensure that at the earliest opportunity the offender's needs are identified and recorded – either at induction or by using information received from the Courts. Efforts will be made to develop Welsh speaking offenders' language skills and provide opportunities for Welsh speakers to retain links with their linguistic background. In the case of non-Welsh speakers who will resettle in Wales we will provide information to them on opportunities to acquire Welsh language skills.

We will monitor the numbers coming into English prisons who are preferred Welsh speakers and where they come from (Welsh courts, other prisons). Once we have enough data available we will be able to determine where the majority of Welsh speakers will be and plan accordingly.

We will explore with HM Court Services how best to share information on the Welsh language preference of offenders to inform the provision of relevant Welsh Language services.

7. The Welsh Language Service in Prison

In order to embed the requirements of this scheme within the daily workings of the Prison Service we will issue a new Welsh Language Prison Service Instruction (PSI) to guide the service through the specific requirements of this Scheme. Where there are shortfalls in current policy, the relevant Prison Service Orders (PSOs) and PSIs will be highlighted, along with specific actions that should be taken.

The relevant policy documents and their significant paragraphs are detailed within the sections below. They are also grouped together at Annex B.

Many of our current policy documents (PSOs, PSIs etc.) need updating to reflect our commitments in respect of the Welsh language. In making these changes, we will ensure that access to the Welsh language is referred to separately and any existing ties with particular groups that may be listed in this document i.e. Foreign National prisoners, will be removed. Please note that language used to quote existing policy may be dated.

7.1 Induction

Prison Service Instruction (PSI) 74/2011 – *Prisoner Induction* requires all prisons in England and Wales to provide an induction process which will ensure that prisoners can understand the prison's induction programme. This includes the

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preferred language of a prisoner being recorded on reception at the prison and their understanding of, and ability to communicate in English established (Para 2.3).

This scheme develops the expectations of PSO 0550 by adding that on reception and/or induction the prison will establish if the prisoner's preferred language is Welsh and record this information. If the prisoner's preferred language is Welsh the prison will discuss the option of transfer. In the interim the prison will ensure that:

- induction information is provided in Welsh and English (Para 4.2 & 6.1).
- Welsh Language speakers are catered for in the induction programme (Para 4.2 & 6.1);
- prisoners are made aware of what information is readily available to them in Welsh (Para 6.1);
- prisoners are made aware of their rights and the procedures for letter writing, telephone calls and visits conducted in Welsh (Para 6.2);
- prisoners are made aware of the access they have to Welsh Language reading materials, TV and DVD's and learning and skills if applicable (Para 6.6 & 6.9).

Prison staff on reception will be aware of the difference between a first language and a 'preferred language' and will establish the preferred language of the offender prior to any arrangements for transfer. Establishing a prisoner's preferred language is important, some Welsh speaking offenders may feel comfortable reading a Welsh newspaper or speaking informally in Welsh but be uncomfortable in using Welsh in a formal setting. Getting the induction right will be key to ensuring that all subsequent access to the Welsh language is adequate.

As with all prisoners, there will be an opportunity to make an application for transfer, though the impact will need to be discussed with the prisoner to ensure they understand the impact of a transfer, e.g. a change in location and access to Welsh language services and how this may affect them.

Welsh prisons will ensure that all induction information is readily available in Welsh and that any requests for translation to Welsh are handled appropriately and fairly and in accordance with this Scheme.

7.2 Letter Writing

Prisoners may write letters in the language of their choice, but letters not written in English and which are subject to routine reading or are written by high risk / cat A prisoners, will need to be translated.

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7.3 Telephone calls

Telephone calls may be conducted in the language of choice, so Welsh-speaking prisoners will be able to speak Welsh if they choose to. The only exception is for telephone calls made by high and exceptional risk Category A prisoners which must be conducted in English. If English is not spoken or understood by the caller or receiver, another language may, at local discretion, be used, provided that someone is available to interpret the call. If this is not possible, for high risk prisoners the call may be recorded but must be translated within 48 hours.

7.4 Visits

Our current visits policy (PSI 16/2011) does not refer explicitly to the use of the Welsh language, and we will amend this to ensure that it is clear that there is an entitlement to conduct visits in Welsh.

We will explore with policy leads how we can align the Welsh Language Scheme with security arrangements, to ensure that Welsh speakers are not disadvantaged, and update our policies accordingly.

7.5 Access to Welsh Language reading materials

We will work with prison libraries to ensure that library stock includes sufficient reading materials in Welsh and is appropriately representative of the local prison population. The policy wording will also be updated more generally to appropriately refer to the needs of particular groups.

We will work with prisons to ensure that all prisoners in England and Wales have access to a range of Welsh Language publications. The number of Welsh language publications will be dependent on the proportion of the prison population that is Welsh speaking. These publications should be refreshed every year, as other publications are refreshed as described in the Prison Library Specification (Para 6.1).

Prisons in Wales will provide a good range of Welsh language publications and other reading materials; and prisons in England will hold literature in the library based on the local prison population. Prisons should also consider requests for specific Welsh literature on a case by case basis.

7.6 Access to Welsh Language Television, DVDs and Radio

If a prison has access to DVDs, Welsh language DVD's should also be made available alongside English language DVDs, based on the proportion of the prison population that is Welsh speaking. These should be restocked regularly.

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PSI 11/2011 - Incentives and Earned Privileges, states that prisoners on a standard or enhanced privilege level are able to have in-cell television. Welsh Language television is available in England via Sky Digital. If a prison has access to these services they should help prisoners who are allowed in-cell television and who wish to access that service. Similarly if there are options for accessing Welsh language television through the internet these should also be explored through:

- S4C live player online
- S4C I-player (catch up)

If a prison does not have access to either of these services it should ensure that those prisoners whose preferred language is Welsh and have in-cell television also have access to teletext in order to receive subtitles (Para 4.1 & 4.2).

In Wales S4C the Welsh language channel can be accessed as part of terrestrial TV and via Freeview or Sky Digital. Access to Welsh language programmes can be made available to those prisoners who are allowed in-cell television and whose preferred language is Welsh should they require that service.

Where there is access to a prisoner radio station, opportunities for a Welsh radio show should be explored.

7.7 Access to learning and skills

Prisons in England are not expected to provide learning and skills services in Welsh as standard but should consider access options where a local need is identified.

Prisons will provide learning and skills services in Welsh as necessary dependent upon the number of preferred Welsh speakers there are within the prison population. These services will be assessed along with all other learning and skills services to ensure that the most appropriate service is provided.

Prisoners within these prisons will be informed of the services and courses that are available in Welsh, and of their right to request services in Welsh.

We will look to capacity build in prisons by drawing on the language skills of our staff and prisoners.

English and Welsh language requirements will be treated on a basis of equality as far as reasonably practicable. All development of learning and skills service provision will therefore be assessed before implementation, to ensure the impact of change assures equality.

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7.8 Services delivered in Prisons by others

Most prisons are not expected to have specific clauses with regard to Welsh language provision for organisations applying for or working within the prison.

Specifications for services delivered in prisons will include relevant measures relating to the use of Welsh. Any organisation that applies to or works within a prison in Wales may be expected to provide those services in Welsh as well as English. Services in other prisons must also be compliant with our Welsh Language Scheme, and where there is a need for services in Welsh, these should be available. Expectations will be incorporated into contracts as funding conditions, and application to work with these prisons will need to detail how they intend to provide services in Welsh as well as English if required.

Our grant agreement template has recently been amended to specifically refer to compliance with our Scheme. Future tendering processes will require applicants to demonstrate how they will comply with the Scheme.

We will have regard to the Welsh Language Commissioner's guidelines document *Awarding Grants, Loans and Sponsorship: Welsh Language Issues*, wherever necessary.

7.9 Contracted prisons

All contracted prisons will be required to meet the expectations of this Welsh Language Scheme, whether they are in England or Wales. These expectations will be incorporated into contracts with each contracted prison.

8. Implementing the Scheme

8.1 Responsibility for the Scheme

The Scheme has been created by the NOMS Women & Equalities Group and they will also monitor its implementation. Each Governing Governor / Director will have delegated responsibility within each prison for ensuring the Welsh Language Scheme and accompanying action plan is implemented in the prison. A named contact will be provided to the Women & Equalities Group, who will monitor the implementation of the Welsh Language at establishments. A network of those responsible for local implementation of the Scheme will be created by Women & Equalities Group and made available across the Service. This will include information on the sharing of best practice and a useful channel to the Group for help and advice.

Local managers who are given responsibility for ensuring the implementation of the Welsh Language Scheme will promote best practice with regard to the Welsh

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Language along with other equality and diversity aspects. We will give high status to our Welsh Language Scheme and its implementation. Responsibility for implementing the Scheme will be distributed throughout the Agency as detailed below:

- the Chief Executive Officer of NOMS Agency is responsible for ensuring the Welsh Language Scheme is implemented;
- the Head of Women & Equalities Group within the NOMS Agency will co-ordinate implementation of the scheme, liaising with the other NOMS offices to share best practice;
- Directors will apply the requirements of the scheme to their functional areas;
- local responsibility, which includes divisions within NOMS Agency headquarters functions, will be delegated to named Senior Managers who take responsibility for the day-to-day operation of the Scheme;
- Within prison establishments in England and Wales each Governing Governor will have delegated responsibility for ensuring the Welsh Language Scheme and accompanying action plan are implemented in the prison through a new PSI. This will be monitored centrally by Women & Equalities Group;
- the Wales Probation Trust will take responsibility for implementing the Scheme for Probation Services in Wales;
- within the Shared Services Centre a named Senior Manager will have responsibility for the implementation of the Scheme. Women & Equalities Group will keep a list of staff that have delegated responsibility for Welsh language access across the Service. This will act as a support network and be a useful tool for sharing knowledge and best practice.

8.2 Staff Awareness and Guidance

This scheme will be operative from the date of implementation. We will make sure that all staff involved in policy making and support services are aware of the requirements of the scheme and take them into account in the conduct of their work. This will be done by:

- giving staff an opportunity to respond to a draft of the Welsh Language Scheme;
- making a copy of the scheme available to all staff;
- issuing a PSI to staff, which will include guidance on:
 - handling correspondence in the Welsh language;
 - using the contracted translators;
 - when to consider issuing bilingual or both Welsh and English language documents, publications and publicity material;
 - the implications of this scheme for those procuring services from third parties.

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NOMS offices based in Wales and the Shared Services Centre will provide Welsh Language awareness training to all staff, to understand the need for accessing services in Welsh.

Welsh Language Champions will be identified in NOMS offices based in Wales to promote the Welsh Language Scheme to staff.

8.3 Staffing and Staff Training

Induction training will include Welsh Language awareness to ensure staff are aware of the Welsh Language Scheme and how it will apply in their prison. The quality and effectiveness of the Welsh Language Scheme awareness training will be monitored.

If there is a necessity for Welsh speaking staff other than in Welsh locations then the above guidance on recruitment and training must apply.

We will promote the establishment within prisons in Wales of a Welsh Language Champion to raise awareness of the Welsh Language Scheme locally and will link up to share best practice.

8.4 Recruitment

Where adverts are to be placed in publications circulated in Wales, NOMS Agency offices will do so in bilingual format, in accordance with NOMS recruitment guidelines.

Most prisons will not be expected to have staff with Welsh Language skills because Welsh language prisoners who prefer to communicate in Welsh are likely to be in custody in Wales. We will draw on the language skills available in the Wales prison estate but where there are gaps we will look to capacity build in prisons where there is a local demand.

Welsh prisons will assess if Welsh language skills are essential or desirable for each role using the recruitment guidance and assess the appropriate level of Welsh Language provision based on the extent of Welsh Language preferences of Welsh prisoners. This will include:

- need for Welsh language services based on the number of offenders whose preferred language is Welsh;
- amount of contact with offenders whose preferred language is Welsh;
- current skills levels within the department;
- current skills levels within the establishment.

8.5 Staffing and staff training

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We will ensure that all Prison Service staff are aware of the Welsh Language Scheme and the requirements on them in the conduct of their work. This will be done by:

- giving staff an opportunity to respond to a draft of the Welsh Language Scheme;
- making a copy of the scheme available to all staff.

The amended NOMS Agency recruitment guidance which will include Welsh Language skills will be used as necessary for recruitment and assessing the need for training.

We will incorporate linguistic skills into local Business Skills Strategies in Welsh prisons and where necessary prisons in England, to assess if there is a business need for Welsh Language training of staff, in specific roles. Initially this will require an assessment of current staff and their level of Welsh Language skills. Training will be offered if a business need can be demonstrated.

Staff will be issued with guidance on how to respond to queries issued in Welsh.

8.6 Translation services

There will be standard documents within all prisons that will be translated centrally and distributed in Welsh, and Women and Equalities Group will be responsible for doing this. Each prison will have a lot of information that is specific to the prison itself. Most prisons in England will not be required to translate this information into Welsh as standard (unless already specified within this scheme) but if requests are made, the prison must accommodate them. Welsh prisons should endeavour to have all information that is readily available to prisoners translated into Welsh. Translation services will be advertised prominently across the prison estate.

Contracted services will be provided on a National basis to ensure the best value for money and will be accessed throughout NOMS, including the Prison Service. Those providing the services may vary, however the services that are available via this contract will include:

- written translation
- simultaneous translation (listening to a telephone conversation or visit and translating simultaneously),
- if necessary, an interpreter sitting in on a conversation in a prison to translate.

9. Monitoring the Scheme and Publishing Information

The following section applies to the whole of the NOMS Agency, including prisons in England and Wales, the Shared Services Centre and NOMS offices based in Wales. The All Wales Probation Trust will publicise and monitor its own scheme.

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9.1 Performance Management

Performance against the requirements of this Welsh Language Scheme will form an intrinsic part of our Performance Management Framework. We will make specific reference to this performance within the Equalities element of our national performance reports.

We will also publish an Annual Monitoring Report as required under the Welsh Language Act which will enable the organisation to achieve the following objectives which will:

- measure if NOMS Agency is complying with the Scheme;
- measure the quality of the Welsh medium service;
- measure the effectiveness of the Scheme's management procedures;
- measure the sufficiency of NOMS Agency's linguistic skills capacity by comparing current resources and need;
- analyse performance on a departmental, corporate and thematic basis to ensure consistency; and
- identify any key weaknesses with an action plan and timetable to remedy the situation.

9.2 Monitoring

Monitoring arrangements will cover in particular:

- **forward planning and procurement:** delivery of current policies and services (ensuring that new policies and procedures, new publications and computer programmes will be compatible with the delivery of bilingual services on a basis of equality, and that current policies and procedures do not inhibit the delivery of those services by others): Each year we will remind policy-making and operational managers to consider the application of the scheme to those policy and procedural areas for which they are responsible as they draw up their new annual business plans; and we will require them to report each year on work arising from the requirements of the scheme that are in hand, will fall in the coming year or have been dealt with in the past year.
- **Dealing with the Welsh speaking public:** Each business unit will be asked to monitor and report periodically on the arrangements in this scheme for meetings with the people from Wales.
- **Our public face:** Each business unit will be required to monitor, record and report periodically on bilingual documentation or notices which it issues and which are not produced and/or distributed by the press and publications unit.

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- **Agents and contractors:** each business unit which uses agents or contractors to deliver services to people in Wales or Welsh speaking prisoners in England will be required to monitor and report annually on the agents' or contractors' compliance with the Welsh Language terms of their agreements or arrangements.

Following approval, a copy of the official report will be sent to the Welsh Language Commissioner.

9.3 Review

In the third year of implementation, NOMS Agency will review and update its Welsh Language Scheme and produce a revised document. NOMS Agency will also prepare an evaluation report, which will analyse performance in implementing the Scheme over the first three years. This third year report will include:

- an overview and thematic analysis of performance and compliance with the Scheme over the three years, both in terms of the quality of the Welsh medium service and Scheme management; and
- an outline of NOMS Agency's further aims and objectives and targets for the following three years with a revised implementation timetable. In addition, the report will outline any amendments or additions, which the NOMS Agency believes should be included in the revised Scheme.

10. Publicising the Scheme

10.1 Accessibility of the Scheme

We will publicise the scheme, when agreed and approved by the Welsh Language Commissioner, by:

- issuing a press notice;
- providing hard copies to prison libraries, and publishing on our intranet;
- Liaising with other Criminal Justice Agencies in Wales to publicise the scheme and our Welsh language service;
- making the scheme available as a free bilingual document from our press office and on our website at:

Ministry of Justice
102 Petty France
London
SW1H 9AJ

www.justice.gov.uk/publications.htm

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We will monitor our performance in meeting the commitments made in this scheme and record the demand for Welsh language services, including any demand for services that go beyond the commitments we have made.

10.2 Staff Awareness

We will ensure that people are aware of our Scheme. To achieve this we will:

- make prominent reference to its development and main features in the corporate or annual plan;
- distribute electronic leaflets/handouts describing the main features of the Scheme to our stakeholders;
- monitor the awareness of the Welsh Language Scheme among staff.

11. Further Information and Feedback

We welcome suggestions for improving the Scheme. Suggestions should be sent to welshlanguage@noms.gsi.gov.uk

12. Enquiries and Complaints

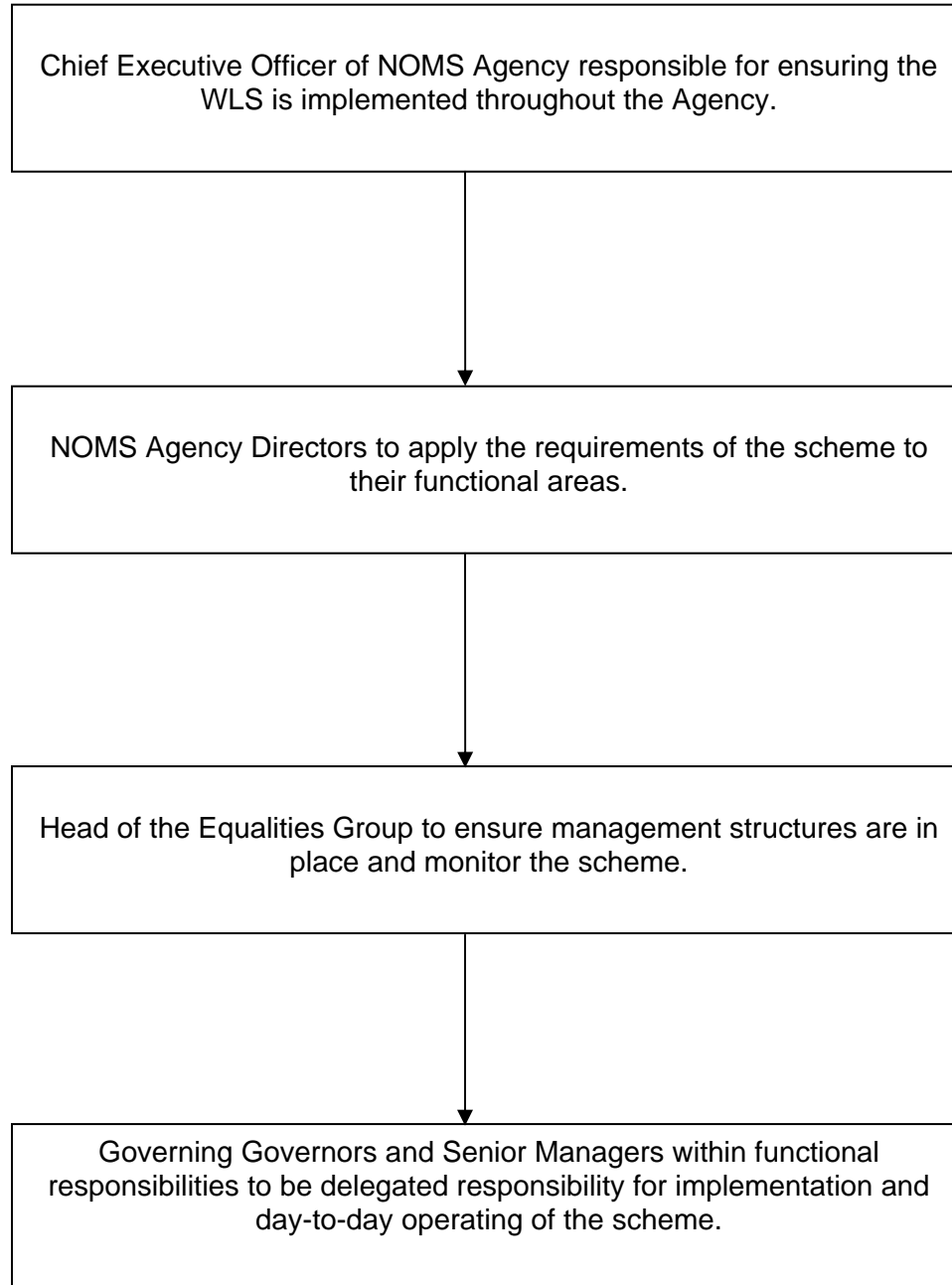
The contact for enquiries and complaints regarding the NOMS Agency Welsh Language Scheme is Suzanne Dean at the following address:

**Women & Equalities Group, NOMS
3.16
Clive House
Petty France
London
SW1P 9HD**

Or: welshlanguage@noms.gsi.gov.uk

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13. Responsibility for the Scheme



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ANNEX A

Action Plan for Implementation of NOMS Agency's Welsh Language Scheme

	ACTION	RESPONSIBLE OWNER / CO-ORDINATOR	TARGET DELIVERY DATE
	Production of the Scheme and Managing Implementation		
1	Publish our Welsh Language Scheme and use press notices and other internal and external communications channels to promote our Scheme and raise awareness of its requirements.	Women & Equalities Group	January 2013
2	Create a new Prison Service Instruction (PSI) for the Welsh Language Scheme to manage national implementation.	Women & Equalities Group	August 2013
3	Make prominent reference to Welsh Language Scheme in corporate business plans.	Women & Equalities Group	April 2013
4	Ensure Equality Impact Assessment (EIA) process refers to Welsh language appropriately.	Women & Equalities Group	August 2013
5	Welsh Language conditions incorporated in the contract with the Shared Service Centre.	Procurement Group	January 2013
6	Ensure that any work deriving from Welsh Government's requirements or initiatives is conducted bilingually as required.	NOMS offices in Wales	Ongoing
7	Create a New Policies Checklist against the Welsh Language Scheme for the setting up of new policies and initiatives and distribute to all involved in new initiatives and policies.	Women & Equalities Group	January 2013
8	Ensure procedures are in place across prisons for dealing with requests for, learning and skills in Welsh, television channels etc, as detailed within the future PSI.	Women & Equalities Group	May 2013
9	Create a network of those responsible for local implementation of the Scheme and make this available across the Service.	Women & Equalities Group	January 2013
10	NOMS offices in Wales to monitor the Scheme's implementation in prisons in Wales.	NOMS offices in Wales	Ongoing, with quarterly progress reporting
	Services to the Public		
11	Identify contact points for the public to use within the NOMS Agency to aid	Women & Equalities	January 2013

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	ACTION	RESPONSIBLE OWNER / CO-ORDINATOR	TARGET DELIVERY DATE
	further understanding, promote improvements and draw attention to any shortcomings in the policy's implementation.	Group	(with final publication of Scheme)
12	Compile a list of organisations in Wales that prefer correspondence in Welsh and make the list accessible to all staff.	NOMS offices in Wales	March 2013
13	Make the Welsh Language Commissioner's guidance documents available for staff on the intranet, including guidance on awarding of contract and grants, recruitment and promoting & facilitating bilingual workplaces	Women & Equalities Group	January 2013
14	Bilingual templates accessible for use by all staff.	Women & Equalities Group	August 2013
Services to Offenders			
15	Translate local induction information into Welsh in prisons in Wales and as needed in prisons in England.	Women & Equalities Group	May 2013, and ongoing
16	Include in induction process the opportunity to state a Welsh language preference and ensure that this information is recorded and used appropriately.	Women & Equalities Group / Offender Safety, Rights & Responsibilities Group	March 2013
17	Create a Welsh Language Awareness leaflet for Prisoners which details all information that is available in Welsh, including procedures for access to telephone calls; letters, visits, learning & skills and activities. This should also particularly highlight the application process for transferring to another prison.	Women & Equalities Group / Offender Safety, Rights & Responsibilities Group	August 2013
18	Ensure that prisoners and staff are aware of the option to access learning and skills in Welsh.	Employment, Skills Group	March 2013
19	Ensure that prisons in Wales have DVDs, reading material and TV accessible in Welsh and allow prisoners to request DVDs and reading materials in Welsh and provide where appropriate, as with other languages.	Offender Safety, Rights & Responsibilities Group	August 2013
20	Ensure that as a minimum teletext is available in all prisons, so that Welsh-speaking prisoners with in-cell TV are able to receive subtitles, as an alternative to Welsh channels.	Women & Equalities Group	August 2013
Contracts, Partnerships & Grants that may provide services to people from Wales			
21	Amend current procurement rules to include: conditions with regards to the use of Welsh, and in applications for contracts / funding (including private prison	Procurement Group and Private Prisons	May 2013

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	ACTION	RESPONSIBLE OWNER / CO-ORDINATOR	TARGET DELIVERY DATE
	contracts), a requirement to address how they intend to provide services in Welsh.		
22	Monitor the compliance of contracts and partnerships to the Welsh Language Scheme and report periodically.	Procurement Group	Ongoing, progress report quarterly
Translation Services			
23	Issue guidelines to the Service in using translation services (to be procured centrally).	Women & Equalities Group	March 2013
24	Translation services to be monitored against agreed quality and standards and feedback given to the translators.	Procurement Group	Ongoing, progress report quarterly
25	Consider all requests for translation of specific information.	All	Ongoing, as and when requested
Recruitment, Staffing & Staff Training			
26	Amend the application process as necessary to allow applicants to apply for roles based in Wales, in Welsh, and to conduct the interview in Welsh.	HR / Wales	August 2013
27	Amend the recruitment procedure to ensure that all adverts and materials are bilingual (for posts in Wales) and adverts specify if Welsh speakers are essential or desirable.	HR / Wales	August 2013
28	Assess the level of need for Welsh language staffing and recruit / train where necessary.	Wales	Assessment by August 2013. All staff have the necessary skills by January 2014
29	Incorporate awareness of the Welsh Language Scheme within the Equalities aspect of the staff induction process	Offender Safety, Rights & Responsibilities Group	August 2013
I.T.			
30	Promote and facilitate the use of Welsh in I.T. ensuring the principle of equality is applied.	I.T.	Ongoing but initially

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	ACTION	RESPONSIBLE OWNER / CO-ORDINATOR	TARGET DELIVERY DATE
			covered within the PSI (August 2013)
31	Assess the linguistic requirements of I.T. for services provided to people in Wales, and ensure that all staff are aware of the I.T. available.	I.T	Assessment made October 2013, awareness raising ongoing
32	Update web pages to make them bilingual when the web pages are renewed, and ensure that any new publications are published in Welsh and English simultaneously.	Equalities Group / MoJ Service Web team	Ongoing
33	Investigate how further to support OASys practitioners in Wales.	Rehabilitation Services Group	Initial discussion September 2012
34	Work with Probation Trusts to assess the linguistic limitations of OASys and determine if and how Welsh language access can be improved.	Women & Equalities Group	Initial discussions with Probation practitioners September 2012 to determine the way forward.
Complaints			
35	Establish a point of contact for queries and complaints concerning access to the Welsh language (to follow the usual complaints procedure) and ensure these contact details are highlighted within the Scheme and PSI.	Women & Equalities Group	November 2012 (with final publication of Scheme) and May 2013 (with publication of PSI)

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	ACTION	RESPONSIBLE OWNER / CO-ORDINATOR	TARGET DELIVERY DATE
	Monitoring		
36	Monitor implementation of the Scheme.	Women & Equalities Group	Ongoing, with quarterly progress updates
37	Monitor the awareness of the scheme with staff.	Women & Equalities Group	August 2013
38	Look into the possibility of building Welsh Language into Equality and Diversity monitoring.	Women & Equalities Group / Performance & Analysis Group	March 2013 (initial discussion between W&EG & PAG)
39	Publish performance against the Welsh Language Scheme in the NOMS Agency Annual report.	Women & Equalities Group	March 2013
40	Incorporate Welsh Language performance into the NOMS agency Performance Management Framework, ensuring performance is analysed by department.	Women & Equalities Group	November 2013
41	Publish an annual monitoring report and send it to the Welsh Language Commissioner.	Women & Equalities Group	November 2013
	Review		
42	Update the scheme in its third year of implementation.	Women & Equalities Group	November 2015 (publication)
43	Prepare an evaluation report of the Scheme after three years implementation and send to the Welsh Language Commissioner.	Women & Equalities Group	November 2015
	NOMS offices in Wales, including SSC and Welsh prisons		
44	Monitor our performance in providing high quality services in Welsh by regularly reviewing the effectiveness of the Welsh language service and setting targets for improvement;	NOMS offices in Wales	Ongoing, quarterly progress reporting
45	Ensure all signage in NOMS offices in Wales, prisons in Wales and SSC are bilingual and of equal prominence.	NOMS offices in Wales	March 2013
46	Include Welsh language skills within business skills strategies to address the	HR	August 2013

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	ACTION	RESPONSIBLE OWNER / CO-ORDINATOR	TARGET DELIVERY DATE
	business needs for Welsh language training, in conjunction with staff requests		
47	Prioritise language training needs to meet the requirements of the Welsh Language Scheme	HR	March 2013
48	Ensure all staff in Wales taking calls from the public receive Welsh Language training.	HR / NOMS offices in Wales	November 2013 (all staff trained)
49	Assess the level of Welsh Language skills required for each post based on the criteria highlighted in the Scheme	HR / Wales	May 2013
50	Assess the levels of Welsh Language competencies of current staff. Monitor the Welsh Language capacity of the staff at each prison locally	HR / Wales	August 2013
51	Establish a Welsh Language Champion' in NOMS offices in Wales, the Shared Service Centre, and Welsh prisons to promote the scheme.	NOMS offices in Wales	March 2013
52	Welsh Language training needs to be identified at induction for all staff based in NOMS offices in Wales, Welsh prisons and where necessary in England.	HR / NOMS offices in Wales	Ongoing, guidance in place for doing so with PSI publication (May 2013)
53	Welsh language development planned into SPDRs	HR / NOMS offices in Wales	August 2013
54	Welsh Language awareness training to be provided for all staff in Wales.	HR / NOMS offices in Wales	November 2013
55	Ensure staff in reception areas in NOMS offices in Wales are aware of the requirements of providing a bilingual greeting to our visitors.	NOMS offices in Wales	March 2013
56	Ensure all staff use a bilingual telephone greeting. Provide a sheet of Welsh greetings to all staff on completion of Welsh language training.	Women & Equalities Group	March 2013
57	Compile a list of staff with Welsh Language skills within the Business Unit and identify contact points for Welsh Language queries.	NOMS Offices in Wales	March 2013
58	Bilingual Identity used on all correspondence, documents and publications derived from NOMS offices in Wales and prisons in Wales.	NOMS offices in Wales	January 2013

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	ACTION	RESPONSIBLE OWNER / CO-ORDINATOR	TARGET DELIVERY DATE
59	Bilingual templates that are relevant to Wales only, accessible for use by all staff.	NOMS offices in Wales	January 2013
60	Publicity material, including exhibition material used in Wales, to be distributed in Welsh and English.	NOMS Offices in Wales / Women & Equalities Group	Ongoing, as and when required
61	Monitor publicity material to ensure consistent quality between English and Welsh.	Women & Equalities Group / Welsh Language Unit / Communications	November 2013
62	Compile a list of Welsh Language press and media services in Wales and make the list accessible to relevant staff.	Communications / Wales	March 2013
63	Look at options for increasing links across MOJ services in Wales for providing a joined up Welsh Language service in Wales, this could include providing advice and support to prisons in England.	Women & Equalities Group	May 2013
64	Agree how we can best accommodate the needs of Welsh-speaking prisoners who are in custody in England, including sufficient provision for the female estate, and include this information in the final Scheme.	Women & Equalities Group	August 2013
65	Determine with HMCTS how best to approach issues around information sharing on the Welsh language preferences of offenders.	Women & Equalities Group / HMCTS	April 2013

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ANNEX B

Relevant Policy Documents

PSI 49/2011 – Prisoner Communication Services

Para	Text
1.2	Prisoners may write to, and receive letters from, any person or organisation, subject to the acceptability of the contents and to the restrictions set out further in this PSI. Restrictions are necessary in order to protect the public, prevent crime and ensure the security of the prison. However, this does not necessarily mean that if a prisoner corresponds with any person or organisation, that he/she may be visited by that person or a representative of that organisation.
1.3	Prisoners may write letters in the language of their choice, but letters not written in English and which are subject to routine reading may be liable to delay while translations are obtained.
5 (Annex B)	Telephone calls by high and exceptional risk Category A prisoners must be conducted in English. If English is not spoken or understood by the caller or receiver, another language may, at local discretion, be used, provided that someone is available to interpret the call. If this is not possible, for high risk prisoners the call may be recorded but must be translated within 48 hours. All calls made by these prisoners must comply with the procedures set out in the National Security Framework.

PSI 16/2011 – Providing Visits and Services to Visitors.

Para	Text
6.5	Prisoners may usually speak in the language of their choice at visits. However, a prisoner and their visitor(s) may be required to speak in English if it is considered in the interests of prison or national security, public safety or the prevention or detection of crime. If the prisoner and/or visitor are unable to speak English, the conversation may be listened to by a person who understands the language being used or the conversation may be recorded.

National Security Framework – Function 4, Communications & Surveillance

Para	Text
Interception, Mail	Prisoners may write their letters in the language of their choice, but letters not written in English and which are subject to reading must be translated.
Cat A, Prisoner Listening	Calls made by high or exceptional risk prisoners <u>must</u> be made in English. If English is not spoken or understood by the caller or receiver, another language may be used at local discretion if someone (either a member of staff qualified to interpret or an authorised interpreter) is available to interpret the call. Calls

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	made by an exceptional risk prisoner must be listened to simultaneously. If there is no interpreter available, the whole call must be conducted in English or cannot be made. However for high risk prisoners, if there is no interpreter, the call may be recorded but must be translated within 48 hours.
--	---

Public Protection Manual

Para	Text
Chapter 6: Harassment Procedures Apply – 8.2	All prisoners who have been identified as being subject to harassment offences, court orders or other situations must have the procedure read and verbally explained to them and sign 2 notification forms of being subject to restrictions (see Annex D). If English is not the prisoners first language the establishment must arrange for it to be translated by an approved translator so that it is fully understood by the prisoner.

PSI 45/2011 – The Prison Library Service

Para	Text
5.6	The Library Manager will provide materials for prisoners with special needs, e.g. ethnic minorities, the partially sighted or blind, the educationally disadvantaged and those whose first language is not English.
Prison Library Specification 2010: Subscription Service	A subscription service for specialised stock will be provided for ethnic groups in the prison who are not representative of the population mix in the outside community. A range of material will be available for those who are non-English speakers.

PSI 11/2011 Incentives and earned Privilege

Para	Text
3.10	In-cell television Prisoners on standard or enhanced level are eligible for access to in-cell television, in establishments where in-cell electricity is available, or via battery operated sets. Prisoners pay a weekly rental per set and must sign the in-cell TV compact.
2.6.2	New receptions must be informed of the [local IEP] scheme, and provision must be made for those who have difficulty reading or understanding English. Detailed information on the scheme must be conveyed to prisoners during the induction period, and staff should be prepared to offer advice on it at any time. It is good practice to provide information in a variety of languages and formats, e.g. large print.

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ANNEX C

Offender Location September 2010: Offenders from Wales

The tables below show the location of offenders originally from Wales by their current custodial location (NOMS region). Data for each region is shown as a percentage with the total number per police force area rounded to the nearest ten. (*) indicates instances of less than 10 offenders in the region.

a) Male offenders from Wales serving custodial sentences

The highest proportions of male offenders from Wales in custody in England are located in:

- HMP Altcourse – 25%¹
- HMP Channings Wood – 5%²
- HMYOI Stoke Heath – 5%

Area	Current NOMS Region	%	
Wales	East Midlands	3	
	East of England	1	
	London	0	
	North East	1	
	North West	17	
	South East	3	
	South West	11	
	Wales	57	
	West Midlands	7	
	Yorkshire & Humber	2	
Total no. of offenders from Wales			4,300

Police Force Area	Current NOMS Region	%	
Dyfed-Powys	East Midlands	*	
	East of England	*	
	London	*	
	North East	*	
	North West	8	
	South East	7	
	South West	9	
	Wales	58	
	West Midlands	10	
	Yorkshire & Humber	*	
Total no. of offenders from Dyfed-Powys			180
Gwent	East Midlands	2	
	East of England	*	
	London	*	
	North East	*	
	North West	*	
	South East	4	
	South West	13	

¹ Over 90% of offenders in HMP Altcourse are originally from North Wales

² The majority of offenders in HMP Channings Wood are originally from South Wales. It is expected that only a small proportion will speak Welsh as their first language.

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	Wales	68	
	West Midlands	7	
	Yorkshire & Humber	3	
Total no. of offenders from Gwent			500
North Wales	East Midlands	2	
	East of England	1	
	London	*	
	North East	*	
	North West	79	
	South East	1	
	South West	*	
	Wales	*	
	West Midlands	11	
	Yorkshire & Humber	3	
Total no. of offenders from North Wales			830
South Wales	East Midlands	3	
	East of England	1	
	London	*	
	North East	1	
	North West	2	
	South East	3	
	South West	14	
	Wales	71	
	West Midlands	5	
	Yorkshire & Humber	1	
Total no. of offenders from South Wales			2,800

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b) Female offenders from Wales serving custodial sentences

The highest proportions of female offenders from Wales in custody in England are located in:

- HMP Eastwood Park – 38%
- HMP Drake Hall – 13%
- HMP Styal – 11%³

Police Force Area	Current NOMS Region	%
Dyfed-Powys	East Midlands	*
	East of England	*
	London	*
	South East	*
	South West	*
	West Midlands	*
	Grand Total	20
Gwent	East Midlands	*
	London	*
	South East	*
	South West	*
	West Midlands	*
	Total Gwent	20
North Wales	East Midlands	*
	East of England	*
	North West	63
	South East	*
	West Midlands	*
	Yorkshire & Humber	*
	Total North Wales	40
South Wales	East Midlands	8
	East of England	*
	London	*
	North East	*
	North West	*
	South East	28

Area	Current NOMS Region	%
Wales	East Midlands	8
	East of England	*
	London	*
	North East	*
	North West	11
	South East	23
	South West	38
	West Midlands	13
	Yorkshire & Humber	*
	Grand Total	230

³ The majority of females in HMP Styal are originally from North Wales

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South West	49
West Midlands	10
Total South Wales	150

Equality Impact Assessment

Stage 1 – initial screening

The first stage of conducting an EIA is to screen the policy to determine its relevance to the various equalities issues. This will indicate whether or not a full impact assessment is required and which issues should be considered in it. The equalities issues that you should consider in completing this screening are:

- Race
- Gender
- Gender identity
- Disability
- Religion or belief
- Sexual orientation
- Age (including younger and older offenders).

Aims

What are the aims of the policy?

The aim of this Welsh Language Scheme is to ensure that the languages of English and Welsh are treated on the basis of equality in the conduct of public business and provision of services

In doing this NOMS will be keeping with the requirements of the Welsh Language Act 1993, and ensuring it is prepared for the future Welsh Language Measure that will put greater expectations on the NOMS Agency.

Effects

What effects will the policy have on staff, offenders or other stakeholders?

The Welsh Language Scheme will have a positive effect on the way in which staff work and their awareness of the difficulties first language Welsh Speakers may face in accessing services in English. It will provide staff in certain locations with opportunities to gain or improve their Welsh Language skills

Offenders will have standardised access to Welsh Language Services across all prisons and will have the opportunity to access more services in Welsh if they request this, therefore the effects on offenders, specifically those from Wales or those who are relocating to Wales is a very positive one.

The effects on stakeholders will be minimal in terms of actions for them to complete. When working together they will be encouraged to work to our Welsh Language Scheme if they don't have one of their own. Other than this the only effect on them will be a positive one of a shared understanding of the necessity for Welsh Language services.

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Evidence

Is there any existing evidence of this policy area being relevant to any equalities issue?

Identify existing sources of information about the operation and outcomes of the policy, such as operational feedback (including local monitoring and impact assessments)/Inspectorate and other relevant reports/complaints and litigation/relevant research publications etc. Does any of this evidence point towards relevance to any of the equalities issues?

The Scheme's purpose is to ensure equality in the use of the Welsh language. There is no evidence to suggest that there will be equalities issues in implementing this Scheme.

Stakeholders and feedback

Describe the target group for the policy and list any other interested parties. What contact have you had with these groups?

The target group is the public in Wales, Welsh speaking people receiving NOMS offender services e.g. Welsh speaking prisoners held in custody in England or Wales.
Other interested parties are staff, stakeholders and contracted services.

Staff and relevant Ministry of Justice stakeholders have been given the opportunity to respond to an internal consultation. Other external organisations and the general public will be given the opportunity to respond to the external consultation of this Scheme and their feedback will be taken on board.

Do you have any feedback from stakeholders, particularly from groups representative of the various issues, that this policy is relevant to them?

The feedback on the internal consultation from Ministry of Justice stakeholders and groups was very useful and amendments to the Scheme were made in light of the feedback. The Justice Wales Network provides links between the Justice organisations based in Wales and enables these organisations to co-ordinate policy on things specific to Wales, such as Welsh Language. This Scheme is therefore relevant to them, and regular contact with the Network in development of this Scheme has ensured that these links remain.

Impact

Could the policy have a differential impact on staff, prisoners, visitors or other stakeholders on the basis of any of the equalities issues?

No. The Welsh Language Scheme in itself is addressing issues of the potential for an inequality of services, it will promote awareness of the Welsh language and ensure that Welsh speakers have access to services in Welsh if they wish to, irrespective of race, gender, disability, religion or belief, sexual orientation, or age.

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Local discretion

Does the policy allow local discretion in the way in which it is implemented? If so, what safeguards are there to prevent inconsistent outcomes and/or differential treatment of different groups of people?

Some local discretion is required, however monitoring systems are built into the Scheme to ensure that all areas of the NOMS Agency are meeting the expectations of the Scheme. The Action Plans themselves detail what is required and when, and will be monitored by the Women & Equalities Group.

Summary of relevance to equalities issues

Strand	Yes/No	Rationale
Race	No	Intention is to ensure fair outcomes for those who share protected characteristics.
Gender (including gender identity)	No	Intention is to ensure fair outcomes for those who share protected characteristics.
Disability	No	Intention is to ensure fair outcomes for those who share protected characteristics.
Religion or belief	No	Intention is to ensure fair outcomes for those who share protected characteristics.
Sexual orientation	No	Intention is to ensure fair outcomes for those who share protected characteristics.
Age (younger offenders)	No	Intention is to ensure fair outcomes for those who share protected characteristics.
Age (older offenders)	No	Intention is to ensure fair outcomes for those who share protected characteristics.

If you have answered 'Yes' to any of the equalities issues, a full impact assessment must be completed. Please proceed to STAGE 2 of the document.

If you have answered 'No' to all of the equalities issues, a full impact assessment will not be required, and this assessment can be signed off at this stage. You will, however, need to put in place monitoring arrangements to ensure at any future impact on any of the equalities issues is identified.

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Monitoring and review arrangements

Describe the systems that you are putting in place to manage the policy and to monitor its operation and outcomes in terms of the various equalities issues.

Monitoring arrangements have been detailed within the Scheme.
An Annual Monitoring report will be completed to ensure that all areas of the NOMS Agency are complying with the Scheme and are implementing the action plans.
Contracts with external organisations will be monitored through the standard contracts procedure.

State when a review will take place and how it will be conducted.

We will review the EIA in October 2011.

Name and signature		Date
Policy lead	Rob Heaton-Jones	23 February 2011
Head of group	Ian Mulholland	

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Annex E

Questionnaire
NOMS Welsh Language Scheme
Consultation Response Template

Please return your completed response form to:
Email: **welshlanguage@noms.gsi.gov.uk**

Address: **Women & Equalities Group**
3.16 Clive House
70 Petty France
London
SW1H 9HD

Name:
Position:
Organisation:

Address:
Telephone:
E-mail:

It is intended that all responses received would be publicly available if requested. A summary of responses showing the name of the organisation responding may also be published.

Please detail at which level of the Welsh Language Scheme you are responding to. You are welcome to respond against as many aspects as you wish, but please make it clear in order for us to understand your response.

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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?

Response: *(including level response aimed at)*

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?

Response: *(including level response aimed at)*

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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?

Response: *(including level response aimed at)*

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

Response: *(including level response aimed at)*

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

Response: *(including level response aimed at)*

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

Response: *(including level response aimed at)*

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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 description's clear?

Response: *(including level response aimed at)*

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

Response: *(including level response aimed at)*

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

Response: *(including level response aimed at)*

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

Response: *(including level response aimed at)*

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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?

Response: *(including level response aimed at)*

Any Other Comments:

Response: *(including level response aimed at)*

Thank you for participating in this consultation exercise.

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About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details / How to respond

Please send your response by 04/12/12 to:

Suzanne Dean
Women & Equalities Group, NOMS
Ministry of Justice
3.16 Clive House, 70 Petty France
London SW1H 9EX
Tel: 0300 047 6588

Email: welshlanguage@noms.gsi.gov.uk

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <http://www.justice.gov.uk/index.htm>. **Alternative format versions of this publication can be requested from Suzanne Dean - Tel: 0300 047 6588 / Email: welshlanguage@noms.gsi.gov.uk**

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Ministry.

The Ministry will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

The consultation criteria

The seven consultation criteria are as follows:

1. **When to consult** – Formal consultations should take place at a stage where there is scope to influence the policy outcome.
2. **Duration of consultation exercises** – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact** – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises** – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation** – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises** – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult** – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

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Consultation Co-ordinator contact details

These criteria must be reproduced within all consultation documents. Responses to the consultation must go to the named contact under the How to Respond section.

However, if you have any complaints or comments about the consultation **process** you should contact Sheila Morson on 020 3334 4498, or email her at consultation@justice.gsi.gov.uk.

Alternatively, you may wish to write to the address below:

**Ministry of Justice
Consultation Co-ordinator
Better Regulation Unit
Analytical Services
7th Floor, 7:02
102 Petty France
London SW1H 9AJ**

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Alternative format versions of this report are available on request from Suzanne Dean - Tel: 0300 047 6588 / Email: suzanne.dean@noms.gsi.gov.uk