

3rd Scheme of the Courts Service under section 15 of the Official Languages Act 2003

1. Introduction and Background

1.1 Background

This scheme was prepared under section 15 of the Official Languages Act 2003 (“the Act”) by the Courts Service.

The Act provides for the preparation by public bodies of a statutory scheme detailing the services they will provide through the medium of Irish, through the medium of English, and through the medium of Irish and English and the measures to be adopted to ensure that any service not provided by the body through the medium of the Irish language will be so provided within an agreed timeframe.

1.2 Preparation of a Scheme

Guidelines

Due regard has been given in the preparation of this Scheme to the guidelines issued by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

Advertising the preparation of the Draft Scheme

The Courts Service published notices under section 13 of the Act inviting interested parties to make submissions in relation to the preparation of the draft Scheme under section 15. Five submissions were received from individuals and organisations and all are available on the Courts Service website www.courts.ie.

Introduction to Scheme

The Scheme aims to consolidate and improve the Courts Service’s existing policy and practice in relation to delivery of its services in the Irish language.

A Working Group was established to assist in drafting this Scheme. This Group liaised with each functional area of the Courts Service. The content of the scheme has been informed by the submissions received and by views and suggestions received from Courts Service staff and the input of the Working Group. We appreciate these contributions to the development of this Scheme.

Responsibility for monitoring and reviewing the Scheme will continue to rest with the senior management within the Courts Service. Areas for future enhancement of the service provided by the Courts Service are identified in the body of the Scheme.

The scheme also includes a commitment to assess on an ongoing basis the level of demand for services through Irish and to ensure that the Courts Service continues to meet this demand in a planned, coherent and accessible way.

The Courts Service will continue to gauge the level of demand for its services in the Irish language by auditing the level of queries/requests for services through Irish. The

order in which particular services will be prioritised for provision in the Irish language will be determined by the Courts Service with the agreement of the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

All commitments enhancing services offered by the Courts Service are given based on the current situation within our organisation. It must be acknowledged that delivery on these commitments may be negatively affected by financial and staffing changes that may occur in the future, which are beyond the control of the Courts Service.

Commencement date of Scheme

This Scheme has been confirmed by the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs. It commences with effect from 24 July 2017 and shall remain in force for a period of 3 years or until a new scheme has been confirmed, whichever is the later.

Consultation Process

In addition to publishing the notices under section 13 of the Act in the newspapers and on the Courts Service website, User Groups were informed of our request for submissions. The ability of Courts Service staff to deliver services through Irish both within and outside Gaeltacht areas was assessed. In this way the Courts Service has made a tentative assessment of the potential demand for services through the Irish language and its ability to meet such demand.

2. Summary of the services provided by the Courts Service

The Courts Service was established by the Courts Service Act 1998 which set out the functions of the Service as follows:

- to manage the courts
- to provide support services for the judges
- to provide information on the courts system to the public
- to provide, manage and maintain court buildings
- to provide facilities for users of the courts.

The Mission Statement of the Courts Service is “To manage the courts, support the judiciary and provide a high quality and professional service to all users of the courts”.

The Service is governed by a board consisting of a chairperson and seventeen members including the Chief Executive Officer. The Senior Management Team comprises the Chief Executive Officer and five heads of directorates. The Chief Executive officer is the accounting officer and has responsibility for managing and controlling staff as well as the day-to-day business of the Service. The headquarters of the Service are currently located in Phoenix House, 15/24 Phoenix Street North, Smithfield, Dublin 7.

The Courts Service is a largely decentralised organisation with administrative responsibility for some 83 courthouses and court venues throughout the country.

A number of venues in Dublin, including the Four Courts campus, the Criminal Courts of Justice, Dolphin House East Essex Street, deal with the civil, family and criminal business of the Supreme Court, the Court of Appeal, the High Court, Dublin Circuit Court and the Dublin Metropolitan District Court.

There are four regional offices located in Cork, Castlebar, Naas, and Dundalk. The Courts Service has 25 combined court offices and 8 standalone offices outside Dublin.

The keys stakeholders and customers of the service are:

1. The Judiciary. Judges are not stakeholders in the ordinary sense. The Judiciary constitute the judicial organ of government pursuant to the provisions of the Constitution and a primary role of the Courts Service is to provide administrative support for the judiciary in the exercise of their powers and functions.
2. The Government, the Department of Justice and Equality and other Government Departments.
3. Court users: the legal professions and their respective representative bodies, the clients of the respective professions, all parties appearing before the courts and persons called for jury service.
4. Agencies and groups within the Justice Sector such as An Garda Síochána, the Prison Service, the Probation Service, the Committee on Court Practice and Procedure and the Law Reform Commission.
5. Agencies and bodies such as the Personal Injuries Assessment Board, the Office of the Director of Corporate Enforcement, the Company Law Review Group, members of the Oireachtas, Local Authorities, the Revenue Commissioners and the Commission of the European Union.
6. Courts Service User Groups and members of the public.

3. Existing Services in Irish

3.1 The Courts Service enhanced the services we provide in Irish in the context of the first and second scheme. We have developed Irish services in information, translation, public tours, IT systems, email system, phone reception, speaking competence and in our training programme.

3.2 The Courts Service website is available in Irish.

3.3 The Courts Service CSPE programme for schools “Lets look at the Law” is available in Irish.

3.4 We have supported improvements in translation standards, developing a new standard of managed translation service and requiring outsourced translators to undertake accreditation with the accreditation scheme run by Foras na Gaeilge.

3.5 Where the Court has so ordered, the Courts Service has borne translation and interpretation costs to enable Irish speaking court users to conduct cases in Irish, in appropriate cases.

3.6 Court users can have cases dealt with in Irish.

3.7 Rules of Court and Court Fees as they become available from the Department of Justice and Equality, are available in Irish on our website.

3.8 We provide visitor tours in Irish in Dublin and Letterkenny.

3.9 Press releases will be available simultaneously in Irish, except in exceptional circumstances..

3.10 Email headers and disclaimers are in Irish.

3.11 We carried out training programmes to raise staff awareness of the rights of Irish-speaking court users and our service in Irish for court users.

3.12 We have carried out a training programme to improve our Irish speaking competence.

3.13. Court practice directions are available in Irish.

3.14. Information about the work of the courts is published on our website in Irish.

3.15 All static material on the website created by the Courts Service, with the exception of material specified as being available in English only, is available in both languages.

3.16 Jury explanatory leaflets are available in Irish.

3.17 Information for jurors is available in Irish on our website.

3.18 Our annual reports and strategic plans are available in Irish on our website.

3.19 Our Irish language mailbox “fiosruithe@courts.ie” is available for queries in Irish.

3.20 Reference guides in legal and colloquial vocabulary are available on the internal network.

4. 3rd Scheme proposals

4.1. Services proposed exclusively through the medium of the Irish language

The nature of the business of the Courts Service was outlined in the first scheme, and bears repeating, as it continues to affect the provision of our services in Irish only.

The nature of the services provided by court offices requires that services be available in both official languages, as our customers may be using the services of a court office

in a Gaeltacht area but may not be Irish-speaking. Many customers would not be resident in the court area at which they are required to attend.

In view of the nature of our business, it is not considered appropriate that an Irish-only service be provided by any Courts Service office. As most of the business dealt with by court offices is contentious in nature and therefore involves two or more parties, the Courts Service must be mindful that all parties have the right to be dealt with in the language of their choice.

It must also be borne in mind that, while several court offices cover Gaeltacht areas, no office deals exclusively with a Gaeltacht area.

In formulating proposals for its 3rd Scheme, the Courts Service is mindful that since 2008 it has suffered a considerable reduction in staff numbers, the retirement of many very experienced staff members and a significant reduction in funding. These matters are slowly improving.

4.2. Services proposed exclusively through the medium of the English language

Documents and speeches

- Documents of a technical nature produced for other public bodies or an international audience will continue to be available in English only.
- Speeches or statements will be made available in the language(s) in which they are delivered.
- Large and detailed tender forms of a technical nature, including EU-advertised tenders will be available in English only, because of their technical nature, except for tenders for Irish-language services.
- Some specialised internal instruction manuals will be in English only.
- The content of “the Legal Diary” will not be made available in Irish in the absence of an IT system to support content in Irish.

IT Systems

- Our current IT systems are not capable of issuing Court documentation in Irish. Provision of functions in Irish will be considered when systems are being upgraded, while addressing compatibility issues and costs. As the systems are very complex relational systems developed in-house over many years, and retrofitting is difficult, costly and resource intensive, impact analyses will be required for each upgrade.
- The Courts Service On-Line (CSOL) system is currently only available in English. As a result, our e-Small Claims facility is only available in English. While the system is capable of providing Irish language services, this would require significant investment. The viability of providing Irish language services will be examined over the course of this Scheme.
- Court documentation in Irish will continue to be issued manually, as required.
- Automated replies to emails are not considered to be personal correspondence with the customer and are, therefore, not subject to the provisions of the Official Languages Act 2003.

4.3 Services proposed through the medium of both the Irish and English languages

Website

- Rules of Court, when available in Irish, will be made available on the website, as well as in all relevant offices.
- The content of the “The Legal Diary” will continue to be available only in English, on the website but all static text in the Diary (heading) will be bilingual.

General

- Court imposed fines can be paid through An Post whose online payment service will shortly be available in both English and Irish.

4.3.1 Facilities

Phone

- We will provide automated standard information in Irish, by selection of Irish Language options, in all offices of the Courts Service where such automated phone services are available, subject to issues of compatibility and cost over the period of the next two schemes.

Switchboard

- We will require switchboard operators, who are contract staff, to be competent in reception phrases in Irish and answer with the name of the Courts Service in Irish and in English; that they are familiar with the basic greetings in Irish, and that arrangements will be in place to transfer callers to the appropriate service.

4.3.2 Information Communications Technology Systems

- While static material relating to the “High Court Search” on-line service on the website will be available in Irish, data field names will continue to be made available only in English until our current IT system is upgraded or replaced, as detailed above at IT systems.
- When upgraded or replaced, data field names of the “High Court Search” service will be available online in Irish as well as English. Content will only be in Irish where the case is issued in Irish.

4.3.3 Spoken Irish service

- Due to the highly technical and complex nature of the language of Court business, which differs again between areas of Court business (e.g. Probate, Criminal, Civil) and to the serious and contentious nature of the business conducted, acquisition of a sufficiently high level of competency to conduct such business in Irish will necessarily be slow and continue over a number of schemes.
- Current staffing restrictions and reductions in staff numbers require us to deploy staff for maximum benefit.
- The Courts Service has offices in every county including those with Gaeltacht communities.
- Bearing in mind staff mobility and development policies, as well as the reduction in staff numbers over the past nine years, it is not possible to provide Irish-

speaking staff at every office, nor to retain any staff member with the requisite skills in one area of business or one location indefinitely.

- The Courts Service is providing Irish Language Training for staff through Gaelcultur.

Offices serving mixed Gaeltacht and English speaking communities

- Irish-speaking staff are available at present in offices in Counties Galway, Donegal and Kerry which serve Gaeltacht communities.
- The Courts Service will continue to provide Irish-speaking services in its offices in counties which include Gaeltacht communities insofar as resources allow.
- Having regard to the highly technical and complex nature of the language of Court business and to the serious nature of the business conducted, complex queries to any office requiring the knowledge and advice of senior staff will be provided in English where the appropriate technical expert is not an Irish speaker.

General

- We will conduct an annual review of the numbers of current staff proficient in speaking Irish
- Where an Irish speaking service is available in an office, we will advertise this to public callers by signage. Where Irish language competency is available, customers will be notified by Office Notice, such as “Tá Gaeilge againn” and a desk offering such a service will be offered by a sign such as “Gaeilge Anseo”.
- We will collect information on, and assess annually, the demand for Irish speaking services in public offices.
- We have compiled a directory of staff competent in the Irish language to respond to queries from customers channelled through our Irish Language mailbox fiosruithe@courts.ie and to assist colleagues as required..

4.3.4 Training

- The Courts Service is committed to a policy of improving Irish language proficiency in its staff, particularly those who work in public offices and deal with the external customer, through a programme of voluntary training which will continue through this and subsequent schemes. It is our intention over a number of schemes is to have staff members in a location sufficiently competent in Irish to conduct Court business in Irish.
- Courts Service staff will be reminded from time to time of the range of reference libraries, bilingual manuals and inter-departmental reference materials which are available.
- We will continue to facilitate and fund staff who wish to undergo Irish language training, as resources permit.
- We will participate in the Irish language course being developed as a shared Learning and Development project should that be considered suitable to the needs of the Service.

- We will consider how the knowledge and expertise of the judiciary, court staff and practitioners might be best utilised to encourage the use of the Irish language through organised meetings and workshops.
- Advice will be given to staff in relation to the range and quality of Irish language classes outside working hours.
- Language awareness will continue to be included in Induction and Customer Service training.
- We will support staff by the provision of Irish versions of the most frequently used orders and correspondence.

5. Monitoring and Revision

- The Senior Management Team will keep the Scheme under review. The day to day monitoring function will be carried out by line managers who are responsible for the implementation of the scheme within their own areas and for reporting on a regular basis to their Head of Directorate.
- Commitments made in the scheme will be included in the Courts Service Annual Report and progress on the implementation of these commitments will be made annually.
- We will advertise improved services as they become available in our website, www.courts.ie.
- A monitoring committee will meet twice yearly to assist the Senior Management Team in monitoring Official Language Act compliance.

6. Publicising Agreed Scheme

The English version of this Scheme is the official version.

The Scheme will be publicised to the general public by advertising its provisions on the Courts Service website. A copy of this scheme will be forwarded to Oifig Choimisinéir na dTeangacha Oifigiúla.

The Courts Service will develop public and staff awareness of the Scheme by way of website notices, local office notices, yearly internal emails, regarding the Scheme and the Customer Service Action Plans.