



# **Welsh Language Scheme**

**Prepared under the Welsh Language Act 1993**

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# 1. Introduction

1. The Judicial Appointments Commission (JAC) was formally established on 3 April 2006 and was a significant constitutional development brought about by the Constitutional Reform Act 2005. This enshrined in law the independence of the judiciary and reformed the office of the Lord Chancellor, establishing the Lord Chief Justice as head of the judiciary of England and Wales.
  2. Our function is to select candidates for judicial office through fair and open competition, and we are committed to ensuring that we make selections from as wide a field as possible. We work closely with a range of organisations to ensure that eligible candidates are aware of the opportunities and have the information they need to apply. We are a non-departmental public body sponsored by the Ministry of Justice; our aims and objectives are agreed with the Lord Chancellor and set out in our business plan.
  3. We previously operated under the Ministry of Justice's Welsh Language Scheme. This specialised scheme has been developed to better specify how we treat the Welsh and English languages when using our independent approach to assessing candidates' suitability for judicial appointment in Wales. It also explains how we enable candidates to communicate with us through the medium of English or Welsh, according to their personal choice, which we will facilitate at every opportunity so far as is appropriate in the circumstances and reasonably practicable.
  4. This scheme sets out our current commitments in relation to using Welsh, and the scope of our commitments should be interpreted as applying to those recruitment activities and services in Wales that we are able to control or influence.
  5. Further information about the scope and purpose of Welsh Language Schemes can be found at the Welsh Language Commissioner's website: [comisiynyddygydraeg.cymru](http://comisiynyddygydraeg.cymru)
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## 2. The standard of service

6. Our starting point is that public bodies should prepare Schemes giving effect to the principle that in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on a basis of equality. In recommending suitable candidates for judicial appointment in Wales, we will deliver an equally high quality of services regardless of whether they are delivered in Welsh or in English.
  7. As a London based organisation, our activity in Wales normally involves contact with the judiciary; panel members; candidates for judicial appointments and other delivery partners in Wales such as Her Majesty's Courts and Tribunals Service (HMCTS) or independent Tribunals.
  8. Selection exercises for judicial appointments are initiated by HMCTS, the Judicial Office and the court or tribunal concerned. In running selection exercises for judicial posts in Wales, it is the responsibility of the court or tribunal concerned to identify the Welsh language skills for the vacancies, the level of those skills and any further requirements related to knowledge of the administration of justice in Wales and/or devolution arrangements. We also conduct selection exercises to some devolved Tribunals on behalf of the Welsh Government. In such cases it is the responsibility of the Welsh Government to determine the linguistic requirements.
  9. Once the criteria are agreed, it is our function to conduct selection exercises and determine appropriate assessment methods.
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### 3. Advertising

10. We advertise selection exercises on our website, and publicise them through our email newsletter 'Judging your future' and through Twitter. Normally we advertise only online, and this section sets out our approach to advertising posts in Wales by this medium, and exceptionally, advertising in media external to the JAC.
  11. Vacancy advertisements, descriptions and specifications will reflect the linguistic needs of the post, and where necessary, specify the level of skill required.
  12. We will advertise positions that require working in Wales and for which there is a Welsh language requirement on JAC online media bilingually, by which we mean using both Welsh and English text mirrored within the same document.
  13. We will advertise positions that require working in Wales that do not have a Welsh language requirement on JAC online media bilingually.
  14. If, exceptionally, positions that require working in Wales and for which there is a Welsh language requirement are advertised other than on the JAC website, we will advertise bilingually. In that event it may be necessary to have separate Welsh and English notices depending on the requirements of the exercise and the level of skill required, for example if a notice carries a high level of detail which would make a bilingual notice too lengthy. In this event both Welsh and English texts will be equal in terms of format, size, quality and prominence. For notices in Welsh media outlets we may examine the likely distribution area of the particular outlets, their relevance to the jurisdiction and known effectiveness when compared to other advertising models such as internet or social media.
  15. Where external advertising is, exceptionally, used for posts in Wales that do not have a Welsh language requirement, we will advertise bilingually if reasonably practicable.
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## **4. Other communications and material**

### **General publications**

16. . This section sets out our policy in relation to published material for distribution in Wales.
17. Where we publish relevant documents, such as consultations, specifically affecting Wales, we will produce them bilingually, by which we mean using both Welsh and English text mirrored within the same document.
18. If this will make documents too lengthy or impacts unfavourably on functionality, materials will be made available in separate English and Welsh versions. Where this occurs the versions will be equal in terms of format, size, quality and prominence when available online. They will also be made available together, with translation requirements considered and undertaken ahead of publication.
19. Where general publications are not specifically related to Wales, we will publish in English and provide Welsh copies upon request.

### **Selection exercises with a Welsh language requirement**

20. Where a vacancy has a Welsh language requirement we will produce exercise materials such as information packs bilingually.
21. If a bilingual document becomes too lengthy or impacts unfavourably on functionality, materials will be available in separate English and Welsh versions. Where this occurs the versions will be equal in terms of format, size, quality and prominence when available, and they will also be made available together.
22. Where we cannot adapt standing electronic fields on our online application form, candidates can answer the questions in Welsh, and we will also accept a further English copy via email if candidates wish to submit an application in both languages. On request, we will provide a Welsh version of the application form in hard copy.
23. Approved translators will be used when translation of these documents is necessary.

### **Selection exercises in Wales with no Welsh language requirement**

24. Where there is a vacancy for a post without an identified Welsh language requirement, we may provide translated exercise materials or separate Welsh and English versions if this would be a reasonable approach to increasing the number and quality of applications from Wales. We will do so upon request in any event.
25. When completing electronic application forms online, we will accept Welsh answers, and we will also accept a further English copy via email if a candidate wishes to submit the

application in both languages, regardless of whether the post has a Welsh language requirement.

26. On request we will provide a Welsh language version of the application form in hard copy.

27. Where applications are received in Welsh for a post with no identified Welsh language requirement, the remainder of the selection exercise will be undertaken in English.

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## 5. Assessment of Welsh language ability

28. As explained in Section 2, Welsh language skills are identified by HMCTS, the Judicial Office and the court or tribunal concerned; therefore we do not operate a prescriptive assessment method. We respond flexibly to requests to recruit candidates with Welsh language skills, creating bespoke assessments which will test and measure the language skills to the level they are required.
  29. Where we recruit for a vacancy with a Welsh language requirement, we will clearly communicate any requirements identified by HMCTS, such as, for example, the ability to understand spoken Welsh, the ability to speak Welsh or the ability to read and write in Welsh.
  30. Moreover we will explain the level to which Welsh language skills are required; for example, whether a Welsh-speaking post requires basic conversational skills, the ability to conduct a hearing in Welsh, or any intermediate level.
  31. Where Welsh language ability is required for a vacancy, candidates will be assessed as to whether they meet a specific threshold in terms of language ability. This assessment will be conducted separately and in addition to the core assessment of all candidates against our published competency frameworks. We are developing a range of appropriate methods for assessing Welsh language requirements, to be used according to the circumstances and requirements of the particular exercise.
  32. Where practicable, we will aim to offer candidates for positions based in Wales the opportunity to be interviewed in Wales.
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## 6. Implementing and monitoring the scheme

33. A copy of this scheme will be placed on the JAC website.
34. Our policies, initiatives and services will be consistent with this scheme, and we will fully consider any impact when developing new policies or procedures. This includes, in particular, the development and introduction of any new IT systems.
35. In policy development, we will use our existing impact assessment process to fully consider any potential impact to this scheme. In the unlikely event that a new policy could potentially impact upon delivery of the scheme, our default position will be to consider alternatives and not undermine the scheme.
36. We will provide the Welsh Language Commissioner's Office with an annual monitoring report which will explain how this scheme was applied, and will include:
- the number of selection exercises conducted in Wales in which there was a Welsh language requirement as determined by HMCTS and the court or tribunal concerned;
  - the number of notices placed bilingually or in two language versions;
  - the number of judicial appointments made where Welsh language skills were required for a vacancy;
  - any complaints made and subsequent action taken against the JAC's operation of this scheme;
  - where any standards were not met, with a full explanation and details of any remedial action taken;
37. We will make the report available to the Ministry of Justice under usual sponsorship reporting arrangements, and additionally to the Ministry of Justice's Welsh Language Co-ordinator, HMCTS Wales and the Welsh Language Liaison Judge.
38. We will consult the Welsh Language Commissioner in advance if we wish to make any changes to the Scheme, and will not do so without approval.
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## 7. Complaints and suggestions for improvement

39. We hope that we will not give grounds for complaint, and will closely monitor recruitment exercises that have a Welsh language component to ensure full compliance with this Scheme.
40. If you do have a complaint about how we have met our commitments to this Scheme, or if you have any suggestions for the improvement of our Scheme that you would like us to consider, we ask that you contact us:

Judicial Appointments Commission  
1<sup>st</sup> Floor, Zone A  
102 Petty France  
London  
SW1H 9AJ

[complaints@jac.gsi.gov.uk](mailto:complaints@jac.gsi.gov.uk)

41. If you are not satisfied with our reply you may ultimately refer your complaint to the Welsh Language Commissioner's Office.
  42. If the Welsh Commissioner's Office refer to us a complaint about the Scheme, which they have received directly, we will investigate the complaint and respond to you, and send the Welsh Language Commissioner a copy of the response.
  43. Where the Welsh Language Commissioner's Office decides to investigate the complaint, the procedure will be such as the Commissioner considers appropriate to the circumstances of the case. This may result in the Commissioner allowing us to continue conducting the investigation and report on our findings; or if the Commissioner chooses to conduct the investigation we will co-operate fully.
  44. Once the investigation is completed, in accordance with Section 19(1) of the Welsh Language Act, the Commissioner will send us a copy of the results.
  45. None of the above provisions affect your ability to refer a complaint to the Judicial Appointments and Conduct Ombudsman.
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## Annex

### Judicial Appointments Commission 2016-2017: Action Plan

Theme and reference	Activity	Target Date	Progress	Achievement Date
Availability	Publish the Scheme on the JAC website and intranet.	March 2016	Consultation to open October 2015 and close December 2015, for JAC response in March 2016.	
Advice and guidance	Develop internal guidance to accompany policy including assessment of language skills and knowledge of divergence in law, devolution arrangements etc.  JAC to develop in conjunction with delivery partners (HMCTS; Judicial Office).	March 2016	Initial draft of internal policy complete; will be further developed following consultation period.	
Digital capability	Develop Judicial Appointments Recruitment System (JARS) to include a Welsh language online application form.	Ongoing	Welsh language forms requested via contract with third party developers; delivery date to be confirmed when contract in place.	
New and revised policies	Consider the impact of new and revised policies in the Welsh Language Scheme.	Ongoing	Implementation will be monitored on an ongoing basis.	
Monitoring and review	Prepare an Annual Monitoring Report for the Welsh Language Commissioner which will be made available Commission Board and Executive; MoJ Welsh Language Co-ordinators, MoJ Sponsorship and Welsh Liaison Judge.	Annual (December)		