

*2<sup>nd</sup> Scheme of the Courts Service  
under  
Section 15 of the Official Languages Act  
2003*

**1. Introduction & 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 and the Gaeltacht. We have also been assisted in the preparation of the Scheme by officers of the Department Of Arts, Heritage and the Gaeltacht

**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. Four submissions were received from individuals and organisations and all are available on the Courts Service website [www.courts.ie](http://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, comprising representatives from each functional area of the Courts Service, has assisted in drafting this scheme. The content of the scheme has been informed by these submissions we received and by the views and suggestions put forward by Courts staff and the input of the members of the Working Group. It has also been informed by consultations with Customer Service User Panels of the Courts Service. 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 this 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 and the Gaeltacht.

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 and the Gaeltacht. The scheme is commenced with effect from 01 January 2014 and shall remain in force for a period of 3 years from this date or until a new scheme has been confirmed by the Minister pursuant to Section 15 of the Act, whichever is the later.

#### **Consultation process**

In addition to publishing the above notice in the newspapers, the Courts Service, through User Groups established to implement its Customer Service Action Plan, sought and obtained the views of the users of its services as to their language choices in order to understand customers' needs and expectations. 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.

## **2. Summary of the services the Courts Service provides**

The Courts Service was established by the Courts Service Act 1998 which sets 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 sixteen other members including the Chief Executive Officer. The Senior Management Team comprises the Chief Executive Officer and five directors. 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 Service is currently head-quartered in Phoenix House, 15/24 Phoenix St North, Smithfield, Dublin 7.

The Courts Service is a large decentralised organisation with administrative responsibility for some 94 courthouses and court venues throughout the country.

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

There are five regional offices located in Cork, Castlebar, Naas, Tullamore and Monaghan. The Courts Service plans to have 25 combined court offices and 8 standalone District Court offices outside Dublin by end 2013.

The key 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 Prisons Service, the Probation and Welfare 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. The Courts Service Central Customer Forum, and its Central and Regional 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 Scheme. We have developed Irish service in information, translation, public tours, IT systems, email system, phone reception, speaking competence and in our training programme.
- 3.2. The Courts Service's website was made available in Irish.
- 3.3. Information leaflets which have been replaced during the first Scheme are available in Irish. Some leaflets are available bilingually within the same cover where considerations of cost and economies of layout allowed.
- 3.4. The Courts Service CSPE programme for schools "Let's Look at the Law" is available in Irish.
- 3.5. 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.
- 3.6. Where the Court has ordered, the Courts Service has borne translation and interpretation costs to enable Irish speaking Court Users to conduct cases in Irish, in appropriate cases.
- 3.7. Court Users can have cases dealt with in Irish.
- 3.8. Rules of Court and Fees for the District Court are available in Irish on our website.
- 3.9. We now provide Visitor tours in Irish in Dublin and Letterkenny.
- 3.10. All Press Releases are available in Irish.
- 3.11. Our interactive Small Claims system is available in Irish.
- 3.12. An enhanced phone service is available.
- 3.13. Staff can operate their computers through an Irish language operating system.
- 3.14. Email headers and disclaimers are in Irish.
- 3.15. Public services in our Gaeltacht office have been improved.
- 3.16. Improved staff capability in speaking Irish.
- 3.17. Improved training programme to raise staff awareness of the rights of Irish-speaking court users and our services in Irish for court users
- 3.18. Training programme to improve our Irish-speaking competence.

## 2<sup>nd</sup> Scheme proposals

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

#### **The Business of the Courts Service**

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 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 within a Gaeltacht area but may not be Irish-speaking. Many customers would not be resident in the Court Area 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 needs to be mindful that all parties have the right to be dealt with in the language of their choice.

The Courts Service plans to have 25 combined court offices and 8 standalone District Court offices outside Dublin by end 2013. Combined and District Court offices are limited to a certain geographical area. There are several court offices which cover Gaeltacht areas but no office deals exclusively with a Gaeltacht Area

### **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 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 cost. As the systems are very complex relational systems developed in-house over many years, and retro-fitting is difficult, costly and resource-intensive, impact analyses will be required for each upgrade.

- We will prioritise the provision in Irish and English of text and functions in IT systems whose output is used by the external customer and frontline staff. This will have a significant impact in terms of financial investment and staff resources and will be done over a number of Schemes.
- 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 Official Languages Act 2003.

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

#### **4.3.1. Information to the general public**

##### **Leaflets**

- Subject to the availability of funding, information leaflets will be made available in Irish.
- Rules of Court, when available in Irish, for Circuit and Superior Courts will be made available on the website, as well as in all relevant offices.
- We intend to place a higher emphasis on publishing information about the work of the courts in electronic form on the website in English and Irish. This allows for improved accuracy and more efficient use of resources.
- Local displays of information (in Irish and English) will continue to be representative samples of the information available. All the information available may not be on display at all times.
- A bilingual guide to highlight the range of information available (including publications) on the website in Irish and English will be available to customers to place orders from a central source.

##### **Informal information**

- Information guides prepared informally at local office level for ease of customers will be made available bilingually upon replacement, or updating.

##### **Website**

- When the Online Fines Payment service has been upgraded it will be accessible in Irish provided the service continues to be accessed through the Courts website-see also 4.3.3 below
- Static material relating to use of the “High Court Search” online service will be available in Irish on the Courts website.
- The content of “The Legal Diary” will continue to be available only in English, on the website but all static text in the Diary (headings) will be bilingual.

- All static material on the website created by the Courts Service, with the exception of material specified earlier as available in English only, will be available in both languages within 2<sup>nd</sup> Scheme subject to the availability of funding.
- Rules of Court in Irish for all Courts will be available on the website within the 2<sup>nd</sup> Scheme, when made available by the Department of Justice, Equality & Law Reform.
- Jury explanatory leaflets now available only in English, will be issued to potential jurors in Irish when revised, subject to legislation and funding, and will be made available on the website. Comprehensive information for jurors is available in Irish on our website.
- Fees Orders will be provided in Irish on the website within 2<sup>nd</sup> Scheme when made available by the Department of Justice, Equality & Law Reform.
- Press Releases: We will continue to provide all press releases in English and Irish.

*CSPE module*

- The Courts Service has made available in Irish its CSPE module on Court proceedings. The module is available to schools in hard copy, on CD, and online on the Courts website in Irish and English.  
This module is of interest to anyone involved in educating young Irish citizens, and indeed anyone interested in the workings of the Courts.

### **4.3.2. Facilities**

#### **Phone**

- The computerised telephone handling system in the Four Courts, currently used by the Courts Service for Dublin offices, operates in English only. All other offices have individual telephone numbers.
- We will endeavour to provide automated standard information in Irish, by selection of Irish language options, when upgrading our phone network subject to considerations of compatibility and cost. It is expected that such upgrading will be done over a number of Schemes.
- After upgrading, we will endeavour, subject to availability of resources, to provide a dedicated phone number whose operators will be able to conduct business in Irish for Irish callers. This service will be provided over a number of 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 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 through Irish, as resources permit.

### **4.3.3. Information Communication Technology systems**

- Our Irish language mailbox will be available for queries in Irish.
- Our interactive, online, e-Small Claims system will be available in Irish, for the benefit of the Irish-speaking community. This service will allow the general public to make applications for the service bilingually.
- This system features a bilingual Home page which will allow the Small Claims claimants to choose which of the two official languages they wish to use. If a person chooses to be dealt with in Irish, then all correspondence (including electronic communications), forms and Orders with that person will be in Irish.
- Static material relating to queries on High Court cases will be available in Irish in the “High Court Search” online service on the Courts website. Data field names will continue to be 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. It is expected that such upgrading or replacement will be done over a number of Schemes as resources allow.
- When the online fines payment service is upgraded to implement the relevant provisions of the Fines Act 2010 then, provided the service continues to be accessed through the Courts Service website, it will be made available in Irish

#### **4.3.4. 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 will continue over many Schemes.
- Current staffing restrictions and reductions in staff numbers require us to deploy remaining resources for maximum benefit.
- The Courts Service has offices in every county, including those counties with Gaeltacht communities.
- Bearing in mind staff mobility and development policies, as well as available resources, 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 will continue to develop and train existing staff in Irish to accompany their technical expertise.

#### ***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 endeavour to provide Irish speaking services in its offices in counties which include Gaeltacht communities, insofar as resources allow.
- Again, having regard to the highly technical and complex nature of the language of Court business and to the serious and contentious 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***

- Our Dublin Switchboard will have a panel of Irish speakers to deal with Irish calls, as resources permit.
- We will endeavour to provide automated standard information in Irish when upgrading our phone network.
- 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 noted by a sign such as, “Gaeilge Anseo.”

- We will conduct an annual review of the numbers of current staff proficient in speaking Irish.
- We will collect information on, and assess annually, the demand for Irish speaking services in public offices.
- The Courts Service will continue the training programme outlined in our 1st Scheme.
- Staff benefiting from Irish training will be required to provide services in Irish.

#### **4.3.5. 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 and encouragement, which will continue through this, and subsequent schemes. 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.
- Through a programme of training including speech training, reference libraries, bilingual manuals and inter-departmental online references, we intend to increase the number of our staff who can deal with customers in Irish.
- We continue to facilitate staff attending Irish language classes during office hours by way of funding and team co-operation in covering the absence of staff on such courses.
- Advice will be given to staff in relation to the range of quality Irish language classes available outside office hours
- Language awareness is included in Induction and Customer Service training
- We will continue to support our informal conversation group meetings.
- We will support staff working in Irish by prioritising in the 2nd Scheme, the provision of Irish versions of the 10 next most frequently used orders and correspondence.
- Reference guides in legal and colloquial vocabulary will be provided on the internal network
- Staff will have access to publications such as “Focail sa Chúirt”

- The Courts Service will consider increasing the number of free Irish language public service online references available to all staff, if available.

## **5. Monitoring & Revision**

- The Senior Management Group 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 Director.
- Commitments made in the scheme will be included in the Courts Service Annual Report so that progress on the implementation of these commitments is reported annually.
- We will advertise improved services as they become available on our website, [www.courts.ie](http://www.courts.ie)
- A Monitoring committee will meet twice yearly to assist the Senior Management Team in monitoring OLA compliance

## **6. Publicising of Agreed Scheme**

The scheme will be publicised to the general public by advertising of provisions on the Website. A copy of this scheme will also 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.