

## **Official Languages Act 2003**

### **Irish Language Scheme 2018 – 2021**

# Table of Contents

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- FOREWORD..... 2**
- 1. INTRODUCTION & BACKGROUND ..... 3**
  - 1.1 Guidelines for preparation of the Scheme..... 3
  - 1.2 The Content of the Scheme 2018 - 2021 ..... 3
  - 1.3 Review of implementation of the third Irish Language Scheme of the Office of the DPP ..... 4
  - 1.4 Commencement date of Scheme 2018 – 2021..... 4
- 2. OVERVIEW OF THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS ..... 5**
  - 2.1 General work of the Office..... 5
  - 2.2 Role and Function of the Office of the DPP ..... 5
  - 2.3 Our stakeholders..... 6
- 3. SUMMARY OF SERVICES AND ACTIVITIES AND EXTENT TO WHICH SERVICES ARE AVAILABLE IN IRISH ..... 7**
  - 3.1 Directing Division ..... 7
  - 3.2 Solicitors Division ..... 8
  - 3.3 Legal Services Division ..... 9
  - 3.4 Administration Division..... 10
- 4. SERVICES TO BE PROVIDED IN IRISH..... 11**
  - 4.1 General Commitment of the Office of Director of Public Prosecutions..... 11
  - 4.2 Receptionists..... 11
  - 4.3 Irish Language Officer (ILO)..... 12
  - 4.4 Communications Unit ..... 12
  - 4.5 IT Unit..... 13
- 5. MONITORING ..... 14**
- 6. PUBLICISING OF AGREED SCHEME..... 15**

## Foreword

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I am pleased to launch this, the fourth Irish Language Scheme for my Office setting out the Irish language services that we will provide over the lifetime of the Scheme.

In the course of implementing the three previous Irish Language Schemes my Office succeeded in delivering an extensive range of Irish language services. It is my intention that we will continue to deliver those services and ensure that those who wish to conduct their business with this Office through the medium of Irish will be afforded the facilities to do so.

This Office has over the years done much work in developing our website as a valuable information resource for the general public and, in particular, for victims and witnesses involved in the criminal justice process. It is desirable therefore that we endeavour to ensure that the website is fully bilingual, particularly given the increasing use of the Office website as a source of information.

I would like to commend those members of my staff who have over the years provided services in the Irish language. The Office will continue to support them in their work during the implementation of this fourth Irish Language Scheme.

Claire Loftus  
Director of Public Prosecutions

## 1. Introduction & Background

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This scheme, the fourth Irish Language Scheme of the Office of the Director of Public Prosecutions (DPP), was prepared under section 15 of the Official Languages Act 2003 ('the Act'). 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.

### 1.1 Guidelines for preparation of the Scheme

The scheme was prepared at the request of the Minister for Culture, Heritage and the Gaeltacht in accordance with the guidelines under section 12 of the Official Languages Act 2003.

Under section 13 of the Act a notice was published in February 2017 on the website of the Office of the DPP and on the website of Tuairisc, inviting representations from interested parties in relation to the preparation of the draft scheme. The scheme has been informed by the submissions received.

### 1.2 The Content of the Scheme 2018 - 2021

Extensive commitments were made under the first three Schemes to improve the level of service provided by this Office in Irish and these commitments have been delivered. The objective of this Fourth Scheme is to ensure the continued delivery of all these services over the period of the Scheme 2018 - 2021.

Responsibility for monitoring and reviewing the scheme will rest with the Communications Unit which will report regularly to the Partnership Committee and senior management within this Office.

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 Office continues to meet this demand in a planned, coherent and accessible way. The Office will continue to assess the number of cases involving the DPP in which a member of the public seeks to conduct proceedings in the Irish language. The Office will further continue to measure the level of queries and requests for services through Irish on a continual basis.

### **1.3 Review of implementation of the third Irish Language Scheme of the Office of the DPP**

The Office of the DPP's Irish Language Scheme, which commenced in 2014, was monitored by the Communications Unit and reports submitted to senior management for publication in the Annual Reports of the Office. Oifig an Choimisinéara Teanga also carried out an evaluation of the first year of implementation of the Irish Language Scheme which is available on the Office website at [www.dppireland.ie](http://www.dppireland.ie).

### **1.4 Commencement date of Scheme 2018 – 2021**

This scheme has been confirmed by the Minister for Culture, Heritage and the Gaeltacht. The scheme takes effect from **28 May 2018** and shall remain in force for a period of three 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.

## 2. Overview of the Office of the Director of Public Prosecutions

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### 2.1 General work of the Office

The Office of the Director of Public Prosecutions was established by the Prosecution of Offences Act, 1974. The Director of Public Prosecutions is referred to as the DPP. The mission of the Office of the Director of Public Prosecutions is ‘to provide on behalf of the People of Ireland a prosecution service that is independent, fair and effective’. The Office of the DPP is made up of four Divisions: Directing Division; Solicitors Division; Legal Services Division; and Administration Division.

- i) **The Directing Division** consists of barristers and solicitors who examine criminal investigation files and decide whether or not a prosecution should be taken.
- ii) **The Solicitors Division** consists of solicitors and legal executives who prepare and conduct cases on behalf of the DPP in all Courts sitting in Dublin.
- iii) **The Legal Services Division** incorporates the Policy & Research Unit; the Library and Information Services; Knowledge Management; the Victims Liaison Unit; and the International Unit.
- iv) **The Administration Division** provides the organisational, infrastructural, and administrative services required by the Office as a whole.

### 2.2 Role and Function of the Office of the DPP

The Director independently enforces the criminal law in the courts, on behalf of the People of Ireland; directs and supervises public prosecutions on indictment in the courts; and gives general direction and advice to An Garda Síochána in relation to summary cases and specific direction in such cases where requested.

The DPP decides whether to charge people with criminal offences, and what the charges should be. Once charges are brought the Office of the DPP is in charge of the prosecution case.

The Director prosecutes in all the more serious cases and sometimes in less serious cases. The more serious cases are heard before a jury in the Circuit or Central Criminal Court or in the Special Criminal Court.

The Chief Prosecution Solicitor acts as solicitor to the DPP and is head of the Solicitors Division in the Office of the DPP. The staff of the Solicitors Division represent the Director in all courts in Dublin. Local State Solicitors represent the DPP in courts outside Dublin.

## 2.3 Our stakeholders

In providing a prosecution service on behalf of the People of Ireland the Office of the DPP interacts with various agencies, offices, departments and individuals. Our key stakeholders are:

- An Garda Síochána
- Specialised investigation agencies
- Local state solicitors
- Members of the Bar
- The Attorney General
- The Department of Justice and Equality
- The courts and Courts Service
- Victims of crime
- Witnesses
- Accused persons, convicted persons and their legal advisors
- Expert witnesses
- Other State agencies and Government Departments
- The Law Reform Commission
- Relevant EU offices and organisations
- International Associations of Lawyers and Prosecutors
- Service providers

### 3. Summary of Services and Activities and Extent to which Services are Available in Irish

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The primary objective of the Act is to ensure better availability and a higher standard of public services through Irish. The Quality Service Action Plan of the Office of the DPP commits the Office to:

- Publish all Office publications bilingually
- Continue to maintain our website in the Irish and English languages
- Assist stakeholders to conduct their business through the Irish language
- Fulfil our obligations under the Official Languages Act, 2003
- Promote the use of the Irish language through training programmes and other initiatives

These commitments were reflected in previous Irish Language Schemes and form an integral part of this current Irish Language Scheme.

On implementation of the first Irish Language Scheme in 2005 the Office nominated a staff member, proficient in the Irish language, as Irish Language Officer. Since then a second Irish Language Officer has been appointed. These officers have a central role and act as a point of reference for all Irish language related work arising in the Office. The Office also has a directory of staff members with proficiency in Irish who provide back-up assistance to the Irish Language Officers. Accordingly the Office is and will continue to be in a position to deal effectively, in both written and oral communications, through the medium of Irish as required.

The services provided by each Division of the Office are set out below, together with an indication of the extent to which the Division provides services to the general public and where such services are provided, the extent to which they are made available in the Irish language if required.

#### 3.1 Directing Division

The Directing Division consists of barristers and solicitors who examine criminal investigation files received from An Garda Síochána and other investigation agencies. Following this examination they direct, through the Solicitors Division and local state solicitors, the initiation, continuance or withdrawal of a prosecution either summarily (in the District Court) or on indictment (before the Circuit, Central and Special Criminal Courts) and direct the relevant charges.



They also direct on, and give instructions, in relation to all judicial review applications, habeas corpus applications, cases stated, bail and any other applications in the superior courts, where the Director is a party. The Division provides ongoing legal instruction and direction until the case at hearing is concluded.

The Division provides ongoing advice in relation to proposed criminal prosecutions to An Garda Síochána and other specialised investigating agencies.

The Prosecution of Offences Act 1974 prohibits certain communications with the DPP for the purposes of influencing a decision to withdraw or not to start a prosecution, other than communications from: a victim of crime; a family member of a victim of crime; an accused person; a family member of an accused person; or persons writing on behalf of their clients (lawyers, doctors and social workers).

The service provided by the Directing Division directly to the public relates to communications in writing from victims, victims' families, accused persons or their families, or persons writing on behalf of clients. In accordance with section 9(2) of the Act any such communications received in Irish are replied to in Irish. Lawyers in the Directing Division with a sufficient level of competency in Irish will deal with the communication directly or, alternatively, may seek assistance from the Irish Language Officers or from staff on our internal directory of Irish speakers.

The Directing Division may also be required to deal with a small number of case files or legal proceedings that require the use of Irish. In accordance with the provisions of the Act, any such cases or proceedings are dealt with and responded to in Irish. This may involve seeking the assistance of the Irish Language Officers or an external professional translation service.

### **3.2 Solicitors Division**

The Solicitors Division provides a solicitor service to the DPP in criminal prosecutions in the District Courts of the Dublin Metropolitan District, the Dublin Circuit Criminal Court and also in relation to cases directed in the Central Criminal Court and the Special Criminal Court. This includes preparation of Books of Evidence and trial work, including advocacy, as well as applications, as appropriate, to the High and Supreme Courts. The Division also provides this service in relation to proceedings in the superior courts where the Director is a party, including judicial review applications, habeas corpus applications, cases stated, and bail applications.

Legal staff in the Solicitors Division communicate with the public or their representatives when replying to communications in writing or by telephone made by or on behalf of a person who is a complainant or a defendant in criminal proceedings or from a person involved as a legal advisor or medical advisor to a person involved in the matter. Legal staff with a sufficient level of competency in Irish will deal with the communication directly or,

alternatively, may seek assistance from the Irish Language Officers or from staff on our internal directory of Irish speakers.

There have been a number of judicial review cases taken through the Irish language since implementation of previous Irish Language Schemes. These have been processed in accordance with the provisions of the Act by members of legal staff competent in the Irish language and through the engagement of Counsel proficient in the Irish language. Where appropriate the services of an external professional Irish translator have been sought.

In the very small number of other cases where the accused seeks to have his/her case dealt with in Irish, arrangements are made to avail of Irish interpretation services.

### 3.3 Legal Services Division

The Legal Services Division incorporates a number of units which are outlined below:

- The **Prosecution Policy & Research Unit** consists of lawyers and legal researchers. The Unit has responsibility for formulating prosecution policy, advising on policy documents referred to this Office for consideration and providing legal research services. The Unit may from time to time produce policy documents which may be made available to the general public.
- The **Library and Information Services Unit** consists of a Librarian and administrative support staff. It provides information and know-how services for both legal and administration staff. It does not provide services to the general public.
- The **Victims Liaison Unit** consists of lawyers and administrative staff. It deals with requests for reasons for decisions not prosecute and requests for reviews of those decisions. These requests are received from victims of crime or the families of deceased victims. The staff in the Unit also deal with telephone calls from victims of crime and from the general public.

The Unit provides application forms and information leaflets which are available in both English and Irish. In accordance with Office policy, should the Unit receive a request from a victim of crime in the Irish language, it will be responded to in Irish.

If a victim of crime or a member of the public telephones the Unit and wishes to conduct their business through Irish, arrangements are in place to ensure that receptionists and staff in the Victims Liaison Unit can, without delay, put the caller through to either an Irish Language Officer or a staff member on our internal directory of Irish speakers.

- The **International Unit** consists of lawyers who deal with areas of international criminal law. This includes requests for mutual legal assistance and European Arrest Warrants. The Unit does not provide a service to the general public.

### 3.4 Administration Division

The Administration Division consists of general service civil service grades who provide the organisational, infrastructural and administrative services required by the Office.

Services provided to the general public by the Administration Division include recruitment, freedom of information requests, the provision of information to the general public through Official publications and the Office website, complaints and requests for general information with regard to the work of the Office.

All recruitment competitions organised by the Office are advertised in Irish language newspapers. The Office also highlights that it welcomes applications in either Irish or English. There is no record of any applicant ever availing of the facility to submit an application in Irish.

All official publications produced by the Office are published either bilingually or in both Irish and English.

The Office website is bilingual.

The Administration Division is also responsible for the promotion of the Irish language generally in the Office. To date the following services have been made available to the general public:

- The Office logo appears in both Irish and English on all Office stationery, compliment slips and business cards
- Disclaimer Notices on all outgoing e-mails are in both Irish and English
- The Office has established a dedicated Irish e-mail address to facilitate the receipt of electronic correspondence in the Irish language ([gaeilge@dppireland.ie](mailto:gaeilge@dppireland.ie))

## 4. Services to be provided in Irish

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### 4.1 General Commitment of the Office of Director of Public Prosecutions

The Office is committed to maintaining the levels of service which it has developed during the implementation of previous Irish Language Schemes. It is also committed to ensuring that provision of services bilingually and through the medium of Irish is firmly embedded in the culture of the organisation over the implementation of this fourth Irish Language Scheme.

The service standard commitments adopted by the Office of the Director of Public Prosecutions in our *Quality Service Action Plan* and *Charter* shall apply to those services, whether delivered in the Irish language or in the English language.

The Office will continue to:

- reply in Irish to all correspondence received in Irish in accordance with section 9(2) of the Act
- facilitate persons who wish to have their proceedings in court dealt with in the Irish language
- measure on an ongoing basis the level of demand for services in the Irish language from the general public
- take action to seek to ensure the availability of adequate resources to meet the demand for services in Irish
- encourage and facilitate staff to attend training courses in Irish for the purpose of improving their language skills
- keep under review the number of staff with proficiency in the Irish language
- as far as possible ensure that staff with high proficiency in Irish are appropriately dispersed across the various Units and Divisions of the Office to support the commitments set out in this scheme
- facilitate promotion of the Irish language generally in the workplace, through social and other activities

### 4.2 Receptionists

Receptionists are the first point of contact with the public. It shall be the policy of the Office to ensure that standard Quality Service practice applies in this area.

- Receptionists will ensure that the name of the Office is given in Irish and in English
- Receptionists are familiar with the basic greetings in Irish
- Suitable arrangements are in place so that members of the public can, without delay, be transferred to the officer responsible for offering the service required through Irish, where available.

### 4.3 Irish Language Officers (ILO)

The Irish Language Officer will continue to:

- provide support and assistance in relation to translation of routine correspondence and particular aspects of legal documentation in Irish that may arise from time to time
- advise when it is necessary to send out Irish language material for professional translation
- provide back-up assistance and a point of reference to all staff taking telephone calls or dealing with other written or electronic correspondence in the Irish language

### 4.4 Communications Unit

The Communications Unit is responsible for co-ordinating the implementation of the Irish Language Scheme. The Unit will, except where otherwise stated:

- report directly to senior management on an annual basis in relation to implementation to the Irish Language Scheme 2018 - 2021
- carry out, in association with the Irish Language Officer, an inventory of demand for Irish services in the course of implementation of the Scheme 2018 - 2021
- liaise with the Irish Language Officer and the Training Officer in relation to the promotion of Irish language training courses
- liaise with the Irish Language Officer and the Training Officer in relation to language awareness training on Induction Programmes
- liaise with the Training Officer in relation to ongoing training for switchboard operators, receptionists and staff in the Victims Liaison Unit to ensure that communications in the Irish language are dealt with in a prompt and satisfactory manner
- maintain and develop the dedicated Gaeilge section on the Office intranet so that staff can easily access Irish language information and services
- a list of all staff with proficiency in the Irish language is available on the Gaeilge section of the Office intranet and is kept up-to-date

- liaise with the Library & Knowledge Management Unit in relation to the directory of resource material available in the Irish language and ensure that the directory is maintained and updated as required
- maintain and update the Office website in bilingual format
- ensure that the static content on any new websites that might be developed during the course of the scheme will be bilingual.
- ensure that all leaflets and application forms produced by the Office for distribution to the general public are and will continue to be made available simultaneously in both official languages on the website and, where appropriate, publish such documents bilingually under one cover. The Office will ensure that where application forms and information leaflets are provided as separate Irish and English language versions, a suitable statement will be included on the English version of the document stating that a separate Irish version of the document is available and that the Irish language version shall be as readily available as the English version.
- give precedence to the Irish language on the Office logo and on all Office stationery, compliment slips, and business cards
- ensure that signage displayed in Office accommodation occupied by the Office of the Director of Public Prosecutions is bilingual
- promote the inclusion of Irish articles in all editions of the in-house newsletter

The Office does not currently provide interactive on-line services. However, should such services be introduced in the future they will be introduced simultaneously in both languages.

#### **4.5 IT Unit**

The Office electronic Case, Document Management and File Tracking system is fully capable of handling the Irish language.

Any other new computer systems being installed in the future will also be fully capable of handling the Irish language.

## 5. Monitoring

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- 5.1** The Communications Unit will be responsible for the effective operation of the Irish Language Scheme 2018 - 2021. The Unit will monitor implementation of the Scheme and report to senior management on an annual basis. A report on implementation of the Scheme will be published in the Annual Reports for the Office.

## 6. Publicising of Agreed Scheme

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**6.1** The contents of this scheme along with the commitments and provisions of the scheme will be publicised to the general public by means of:-

- Launch of Scheme on Office website

In addition to these measures, the Office will take every opportunity to promote and publicise the services it provides through Irish, by including footnotes on selected guidelines, leaflets, and application forms explaining that these documents are also available in Irish (in cases where bilingual printed material is not produced under a single cover).

**6.2** A copy of this scheme has also been forwarded to Oifig Choimisinéir na dTeangacha Oifigiúla.