

Oifig an  
Office of the



**Stiúrthóra Ionchúiseamh Poiblí**  
**Director of Public Prosecutions**

**OFFICIAL LANGUAGES ACT 2003**

**IRISH LANGUAGE SCHEME**  
**2010 - 2013**

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# **1. INTRODUCTION & BACKGROUND**

This scheme, the second Irish Language Scheme of the Office of the Director of Public Prosecutions, 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 in accordance with the guidelines drawn up by the Minister for Community, Rural and Gaeltacht Affairs under section 12 of the Official Languages Act 2003.

Under section 13 of the Act a notice was published by the Office of the DPP in national and Irish language newspapers in May 2008, inviting representations from interested parties in relation to the preparation of the draft scheme. The scheme has been informed by these submissions, in addition to the views and suggestions put forward by staff through the partnership consultation process.

## **1.2 The Content of the Scheme 2010 - 2013**

This scheme builds on the progress made in provision of services through the medium of Irish since implementation of the first Irish Language Scheme in December 2005. Extensive commitments were made under the first Scheme to improve the level of service in Irish and all these commitments have been delivered. The objective of this Second Scheme is to continue the delivery of these commitments and to enhance the level of service over the period of the Scheme 2010 - 2013. Areas for future enhancement of services provided by this Office through Irish are identified in Chapter 4 of the scheme.

Responsibility for monitoring and reviewing the scheme will rest with the Communications & Development 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 an annual basis.

### **1.3 Review of implementation of the Office of the DPP's first Irish Language Scheme**

The Office of the DPP's Irish Language Scheme, which commenced in 2005, was monitored by the Irish Language Officer and reports submitted to senior management through the Partnership Committee. At the end of the three year implementation period the Office completed an evaluation form at the request of Oifig an Choimisinéara Teanga which was submitted in July 2008.

During the three year lifetime of the first Scheme, 25 cases in Irish were taken.

### **1.4 Commencement date of Scheme 2010 - 2013**

This scheme has been confirmed by the Minister for Community, Rural and Gaeltacht Affairs. The scheme takes effect from 20 April 2010 and shall remain in force for a period of 3 years from this date or until a new scheme has been confirmed by the Director pursuant to Section 15 of the Act, whichever is the earlier.

## **2. OVERVIEW OF THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

### **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 two legal Divisions which are supported by a Prosecution Policy Unit and an Administration Division:

**The Directing Division** consists of barristers and solicitors who examine criminal investigation files and decide whether or not a prosecution should be taken.

**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.

**The Prosecution Policy Unit** takes the lead in developing prosecution policies and advising on legal policy documents referred to the Office for consideration.

**The Administration Division** provides organisational, infrastructural, administrative and information services required by the Office and support to both the Directing and Solicitors Divisions.

### **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, office, 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, Equality & Law Reform
- 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**

**3.1** 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 the Office's first Irish Language Scheme which commenced in December 2005 and form an integral part of this current Irish Language Scheme.

**3.2** On implementation of the first Irish Language Scheme the Office nominated a staff member, proficient in the Irish language, as Irish Language Officer. This officer has a central role and acts as a point of reference for all Irish language related work arising in the Office. During the implementation of the Scheme a directory of staff members with proficiency in Irish was established to provide back-up assistance to the Irish Language Officer. 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.

**3.3** 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.

#### **3.4 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 Officer 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 Officer or an external professional translation service.

### **3.5 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 Officer 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 the first Irish Language Scheme. 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.

### **3.6 Prosecution Policy Unit**

The Prosecution Policy Unit was established in January 2007 and consists of lawyers and legal researcher(s). The Unit has responsibility for formulating prosecution policy and for advising on policy documents referred to this Office for consideration.

The Unit may from time to time produce policy documents which will be made available to the general public. The Unit may also be called upon to discuss such documents in the national media.

### **3.7 Administration Division**

The Administration Division consists of general service civil service grades who, together with professional Library staff, provide the organisational, infrastructural, administrative and information services required by the Office. It also provides support services to both the Directing and Solicitors Divisions.

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 or specific information with regard to prosecution files.

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 fully bilingual.

Telephone calls received from the general public are dealt with by the Communications & Development Unit. Arrangements are in place to ensure that receptionists and staff in the Communications & Development Unit can,

without delay, put the caller through to either our Irish Language Officer or a staff member on our internal directory of Irish speakers.

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)

## **4. ENHANCEMENT OF SERVICES TO BE PROVIDED IN IRISH**

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

The Office is committed not only to maintaining the level of service which it currently provides through Irish but also to enhancing the level of service it provides to the general public bilingually and through the medium of Irish.

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 and seek to recruit staff with a capacity to work through Irish and English
- 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 the maintenance of an Irish language sub-group of our Partnership Committee which will promote 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. Accordingly, from the beginning of the scheme:

- 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 Officer (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 & Development Unit**

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

- report through the Partnership Committee to senior management in relation to implementation to the Irish Language Scheme 2010 - 2013
- carry out, in association with the Irish Language Officer, an inventory of demand for Irish services in the course of implementation of the Scheme 2010 - 2013
- carry out a survey of staff proficiency levels in the Irish language by end of December 2010
- 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 Communications & Development Unit to ensure that communications in the Irish language are dealt with in a prompt and satisfactory manner

- liaise with HR Unit and Training Unit in relation to establishing an up-to-date record on the Peoplesoft system of staff with proficiency in the Irish language by December 2010
- liaise with IT Unit in relation to provision of an electronic Irish language spellcheck system for staff dealing with communications in the Irish language
- liaise with the Library & Information Service 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
- establish an Irish website address to facilitate direct entry to the Irish version of the Office website by June 2010
- 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, that 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.
- ensure that the Gaeilge icon on the Office Information Database is maintained and updated so as to include: a directory of staff with proficiency in the Irish language; a directory of counsel proficient in the Irish language; a glossary of legal terminology in the Irish language; useful phrases in Irish for staff dealing with telephone calls in Irish; a glossary of useful phrases for staff corresponding in Irish; a link to the Library & Information Services Irish resource; other useful information relating to Irish Language
- give precedence to the Irish language on the Office logo on all Office stationery, compliment slips, and business cards by a date to be determined by quantity of current stocks but no later than March 2011
- 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**

A new electronic Case, Document Management and File Tracking system was introduced in the Office of the Director of Public Prosecutions in October 2008. The new 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.

#### **4.6 Sub-group of Partnership Committee**

The Irish Language sub-group of the Partnership Committee consists of members of staff from both the legal and administration divisions of the Office who have an interest in the Irish language and who wish to promote the language on an informal basis through the organisation. The Office is committed to supporting the work of the sub-group in promoting the Irish language within the Office through social and other activities.

## **5. MONITORING**

- 5.1** The Communications & Development Unit will be responsible for the effective operation of the Irish Language Scheme 2010 - 2013. The Unit will monitor implementation of the Scheme and report to senior management through the Partnership Committee on a bi-monthly basis.

## **6. PUBLICISING OF AGREED SCHEME**

**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:-

- Press Release
- 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, including 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. The English language version is the original text of this scheme.

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