



OFFICIAL LANGUAGES ACT 2003

ACHT NA DTEANGACHA OIFIGIÚLA 2003

SCHEME 2005-2008

SCÉIM 2005-2008

TABLE OF CONTENTS

- 1. Introduction and Background**
- 2. The Office of the Director of Public Prosecutions**
- 3. Survey of the Office and the extent to which services are already available through Irish**
- 4. Enhancement of services to be provided bilingually**
- 5. Monitoring**
- 6. Publicising of agreed scheme**

1. INTRODUCTION & BACKGROUND

This scheme was prepared under Section 11 of the Official Languages Act 2003 ("the Act") by the Office of the Director of Public Prosecutions. Section 11 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
- 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 a Scheme

Section 12 of the Act provides for the preparation of guidelines by the Minister for Community, Rural and Gaeltacht Affairs and their issue to public bodies to assist in the preparation of draft schemes. This scheme has been drawn-up in conjunction with parallel work on the guidelines carried out by an Interdepartmental Working Group comprising members from this Office as well as other Government Departments.

The Office published a notice under Section 13 in November 2004, inviting representations in relation to the preparation of the draft scheme under Section 11 from any interested parties. All submissions made are available on the Office website www.dppireland.ie. The scheme has been informed by these submissions and views and suggestions put forward by staff in the various Units. The Office appreciates the time and effort put in by all concerned in this process.

1.2 The Content of the Language Scheme

A Sub-Group of Partnership, broadly representative of the different divisions and units of the Office, has done the preparatory work in respect of drafting the scheme. Responsibility for monitoring and reviewing the scheme will rest with the senior management within this Office. The scheme builds on the extent to which services are currently available through Irish as a starting base. Areas for future enhancement of the service provided by this Office 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 Office continue to meet this demand in a planned, coherent and accessible way. The Office will continue to gauge the number of cases involving the DPP in which a member of the public seeks to conduct his/her proceedings in the Irish language. The Office will further continue to measure the level of queries/requests for services through Irish on an annual basis.

1.3 Commencement date of Scheme

This scheme has been agreed by the Office of the Director of Public Prosecutions. The scheme takes effect from 1 July 2005 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. THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

2.1 General

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 Director of Public Prosecutions and his Office, as set out in the Strategy Statement 2001 – 2003, is ‘to provide on behalf of the People of Ireland a prosecution service which is independent, fair and effective’.

The Office of the DPP has three Divisions:

- **Directing Division** consists of barristers and solicitors who examine criminal investigation files and decide whether or not a prosecution should be taken. The Directing Division is located at 14-16 Merrion Street, Dublin 2.
- **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 Solicitors Division is located at Chapter House, 26-30 Upper Abbey Street, Dublin 1
- **Administration Division** provides support and other services to both the Directing Division and Solicitors Division. The Administration Division is shared between the two buildings of the DPP’s office.

2.2 Role and Function of the DPP’s Office

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 the 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 DPP's Office. The staff of the Solicitors' Division represent the Director in all courts in Dublin. Local State Solicitors represent the DPP in courts outside of Dublin.

2.3 OUR STAKEHOLDERS



3. SURVEY OF THE UNITS OF THE OFFICE AND THE EXTENT TO WHICH SERVICES ARE ALREADY AVAILABLE THROUGH IRISH

3.1 General

The primary objective of the Act is to ensure better availability and a higher standard of public services through Irish. The Office's Quality Service Action Plan, 2004-2006 commits the office to:-

"Provide quality services through Irish and/or bilingually and inform customers of their right to choose to be dealt with through one or other of the official languages'.

The DPP's office has for some years past been making its Annual Report, Strategy Statement and other publications available bilingually. In addition, the Office website is bilingual. The Office has also provided replies in Irish to correspondence in Irish. The Office headed notepaper is bilingual. Bilingual voicemail greetings are available on the Office's out-of-hours answering service in respect of its Merrion Street premises. The Office handles a small number of cases in the Irish language in both the Solicitors and Directing Division. The Office has a small number of staff with a mid-to-high level of proficiency in comprehending and generating Irish language material and they have been utilised in relation to said cases. The Office has retained the services of a small number of Counsel who are identified as proficient in dealing with Irish language cases. The Office ensures that job vacancies are advertised bilingually. An Irish Language Sub Group has been established through the Partnership process, which has undertaken the work of drafting the first scheme under the Official Languages Act, and has also been charged with the promotion of the language generally among the staff in the office. A regular programme of social events has been put in place to meet this objective.

This section briefly describes the functions of each Division, and sets out the extent to which any services to the general public are provided, and where such are provided, the extent to which they are made available in the Irish language if required.

3.2 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 or 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 also provides ongoing legal instruction and direction to the Solicitors Division and Local State Solicitors until the case at hearing is concluded. Overall responsibility for all criminal prosecutions brought in the name of the DPP rests with Directing Division until the conclusion of the prosecution.

The Division also provide 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; persons writing on behalf of their clients (lawyers, doctors and social workers).

The Directing Division deals with a small number of cases, communications and queries involving the use of Irish. These cases have been dealt with by Directing staff with varying levels of competency in Irish, some in the mid-range level, in some instances by calling upon the assistance of legal staff outside the Directing Division.

3.3 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 all judicial review applications, habeas corpus applications, cases stated, bail applications etc in the superior courts, where the Director is a party. Legal staff in the Division communicate with the public or their representatives when replying to communications made by or on behalf of a person who is a Defendant or a complainant in criminal proceedings or from a person involved as a legal advisor or medical advisor to a person involved in the matter.

There are, in the Division, a small number of legal staff competent in the Irish language, There is one other member of legal staff who has a mid-range capacity to handle Irish language cases. There are not at present other legal staff in the

Division with a level of Irish sufficient to deal adequately with Irish language prosecutions/applications, should any such arise.

There have been a small number of judicial review cases (less than ten) taken through the Irish language in the past few years. These have been processed by members of legal staff competent in the Irish language, and through the engagement of Counsel proficient in the Irish language

In a very small number of cases in the Dublin Circuit Criminal Court the accused has sought to have his/her case dealt with in Irish. In such cases Counsel with proficiency in the Irish language have been briefed in these cases.

On occasion an accused person will seek to have their case in the District Court dealt with in Irish. The Office does not currently have the capacity to prosecute a case in the District Court through Irish without engaging outside counsel.

No other demands for services through Irish have been recorded in recent years

3.4 Administration Division

The Administration Division consists in the main of general service Civil Service grades who together with profession Library staff provide the organizational, infrastructural, administrative and information services required by the Office. It also provides support services to both the Directing and Solicitors' Division. The working language of the Administration Division is English. Most of staff of the Division has no interaction with members of the public. Interactions with the public takes place in relation to recruitment, freedom of information requests, complaints and requests for general information with regard to the functions of the Office or specific information with regard to prosecution files. The Division currently does not have the capacity to respond in Irish to oral contacts through Irish. However, all written communications received in Irish receive a reply through Irish. The use of private translation services is required to deliver this service.

All recruitment competitions organized 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.

The Office website which is maintained by the Administration Division is fully bilingual and as a policy reports produced by the Office are made available either bilingually or in separate Irish and English versions. Bilingual greetings have also been put in place on the Office phone system.

4. ENHANCEMENT OF SERVICES TO BE PROVIDED BILINGUALLY OR THROUGH 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 standards commitments adopted by the Office of the Director of Public Prosecutions in relation to delivery of services shall apply to those services, whether delivered in the Irish language or in the English language.

The Office is committed to replying in Irish to all correspondence received in Irish, and as far as possible to facilitating persons who wish to have their proceedings in the court dealt with in the Irish language. The Office will measure on an ongoing basis the level of demand for services in the Irish language from the general public and take action to seek to ensure the availability of adequate resources to meet this demand. The Office will, through the Partnership process, facilitate the maintenance of an Irish language sub-group comprised of volunteers from among the staff. This sub-group will have a role in coordinating the promotion of the language generally in the workplace, through social and other activities. This work shall be carried out in liaison with the An t-Oifigeach Gaeilge/Irish language Officer.

4.2 An t-Oifigeach Gaeilge/Irish Language Officer

To provide a focus for enhancing the level of service provided through Irish the Office has decided to establish a position of Irish Language Officer (Oifigeach Gaeilge). This officer will have a central liaison role, and function as a point of reference in terms of all Irish language-related work arising in the Office

The Irish Language Officer (ILO) will provide support and assistance in relation to translation of routine correspondence and particular aspects of legal documentation in Irish which may arise from time to time. The ILO shall also advise when it will be necessary to send out Irish language material for professional translation.

The ILO will liaise with Heads of Divisions in the Office in relation to training requirements for staff which may be identified as arising from time to time.

The ILO will also coordinate the provision of information and resources in relation to Irish language matters through an icon on the Office IT database, in liaison

with the IT Unit, and through the Office's library service, and through personal contact.

The ILO will also 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.

The ILO shall make a report (An Tuarascáil Gaeilge) to Management every six months identifying the steps which have been taken in meeting Office commitments under the Scheme 2005-2008, and making recommendations in terms of further training and resource requirements.

Management commits itself, as far as practicable and within a reasonable timeframe, to meeting the requirements in terms of training and resources identified by the Irish language Officer in his/her bi-annual report.

The first report (Tuarascáil Gaeilge) shall be made in December 2005, and every six months thereafter. Management shall make due provision for the workload arising hereunder in the context of work allocated to the Officer holding this position. The Office also commits itself to facilitating necessary training and language skills-maintenance for the Irish Language Officer.

4.3 Other specific actions in support of enhancing services

The Office will encourage and facilitate staff to attend training courses in Irish during the working day for the purpose of improving their language skills.

Training will be provided to switchboard operators and receptionist to ensure that communications in the Irish language are dealt with in a prompt and satisfactory manner.

The IT Unit will establish an e-mail address for queries as Gaeilge. The Office will ensure that such queries are dealt with as comprehensively as English language queries.

The IT Unit, in liaison with the Irish Language Officer, will establish a central database for Irish language resources in the Office. This database shall over time build an inventory of resources such as counsel with proficiency in the Irish language, a glossary of legal terminology, a basic conversation guide including receptionist guide, details of typists proficient in the Irish language, a link to the library's Irish language resource database, the text of this scheme, and other suitable material as from time to time may be determined by the Irish Language Officer in liaison with the Irish language sub-group of Partnership.

The Library will provide a directory of resource material available in the Irish language and integrate it with its IT databases.

The HR Unit will seek volunteers to provide Irish language services in units of the Office where a requirement for services through the medium of Irish may arise. Such staff will be identified by listing on the Irish language IT database

The HR Unit will also keep under review the number of staff with proficiency in the Irish language and will seek to recruit staff with a capacity to work through Irish and English.

Staff with high proficiency in Irish will be appropriately dispersed across the various Units and Divisions of the Office to support the commitments set out in this scheme.

5. MONITORING

The Irish Language Officer shall in liaison with the Head of Administration keep the effective operation of the scheme under review, and shall submit a report as outlined above every six months to management (An Tuarascáil Gaeilge).

6. PUBLICISING OF AGREED SCHEME

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
- Official Launch of the scheme
- Advertising of provisions
- Circulation to appropriate agencies and public bodies
- Website

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