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OFFICE OF THE ATTORNEY GENERAL

OFFICE OF THE PARLIAMENTARY
COUNSEL TO THE GOVERNMENT

CHIEF STATE SOLICITOR'S OFFICE

Scheme under Official Languages Act

OFFICIAL LANGUAGES ACT 2003

ACHT NA DTEANGACHA OIFIGIÚLA 2003

SCHEME 2020 - 2023

SCÉIM 2020 - 2023

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1. Introduction and Background

This Scheme, the fourth Irish Language Scheme, was prepared under Section 15 of the Official Languages Act 2003 ("the Act") by the Office of the Attorney General (AGO), on behalf of its three constituent Offices (including the Office of the Parliamentary Counsel to the Government (OPC) and the Chief State Solicitor's Office (CSSO)). 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.

AGO, OPC and CSSO are hereinafter collectively referred to as “the Offices”.

Because of the doctrine of the separation of powers, it is important to note that the Attorney General does **not** furnish legal advice to the other branches of Government, that is to say, the President and the legislative and judicial branches. Also, it is important to note that the Attorney General and the staff of the Offices do not provide legal advice to members of the public or undertake any legal research on their behalf. Members of the public who wish to seek legal advice should consult their own advisers. In relation to Relator Actions we refer you to information included on the [AGO website](#) where details are available in both the English and Irish languages.

1.1 Guidelines for Preparation of a Scheme

This Scheme has been drawn-up taking account of the guidelines provided for under Section 12 of the Act and advice from the Department of Culture, Heritage and the Gaeltacht.

The Offices published a notice under Section 13 of the Act on the website of the Office of the Attorney General and on the website of Tuairisc.ie on 27 November 2018, inviting representations from interested parties in relation to the preparation of the draft Scheme. A closing date of 31 December 2018 was set for the receipt of any submissions by interested parties. The Scheme has been informed by these submissions as well as views and suggestions put forward by staff in the Offices. The Offices appreciate the time and effort put in by all concerned in this process.

1.2 The Content of the Scheme 2020 – 2023

This Scheme builds on the progress made in the provision of services through the medium of Irish through the implementation of the first three Irish Language Schemes. The first three Schemes included extensive commitments to improve the level of service in Irish and all of these commitments have been delivered.

These include giving equal prominence to the Irish and English versions of the Offices' websites and replying in Irish to correspondence received in Irish. In the event of legal proceedings being instituted in Irish, the case is assigned to legal staff in AGO and

CSSO, proficient in Irish, and counsel who is fluent in Irish is nominated by the Attorney General to act for the State. Also the Offices measure on an ongoing basis the level of demand for services in the Irish language from clients and customers and put in place additional measures to ensure the availability of adequate resources to meet these demands. Oifig an Choimisinéira Teanga has also carried out evaluations of earlier schemes.

The objective of this fourth Scheme is to ensure the continued delivery of the commitments set out in the first three Schemes and to enhance the level of service over the period of the Scheme 2020 – 2023, where possible. Areas for future enhancement of services provided by the Offices through Irish are identified in Chapter 6 of the Scheme.

Responsibility for monitoring and reviewing the Scheme will rest with the local Management Committee/Board and the joint AGO/CSSO Main Management Advisory Committee within the Offices.

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 Offices continue to meet this demand in a planned, coherent

and accessible way. The Offices 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 confirmed by the Minister for Culture, Heritage and the Gaeltacht. The Scheme takes effect from 01 February 2020 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.

2. Overview of the Offices

2.1 Role of the Attorney General

The role of the Attorney General is defined in Article 30 of the Constitution as “the adviser of the Government in matters of law and legal opinion”. The functions, powers and duties of the Attorney General are to be found in the Constitution, in legislation (primarily section 6 of the Ministers and Secretaries Act 1924), in constitutional convention and in judicial decisions delivered both prior to and subsequent to the founding of the State. By virtue of the ninth part of the schedule to the above Act, the Attorney General has control and responsibility for the Office of the Parliamentary Counsel to the Government and the Office of the Chief State Solicitor.

2.2 Roles and Functions of the Offices

The Offices' Statement of Strategy 2016 - 2019 states that the mission of the Office of the Attorney General is:-

“To provide the highest standard of professional legal services to the Government, Departments and Offices as economically and efficiently as possible and to support adherence to the rule of law.”

The principal roles of the Offices are:

- to support and advise the Attorney General in carrying out the duties of that office;
- to provide the highest standard of professional legal services to Government, Departments and Offices;
- to draft legislation;
- to provide litigation services;

- to contribute to effective public service by encouraging and participating in the co-ordination of the legal services of the State;
- to ensure efficient delivery of legal services to, and an effective and productive working relationship with Government, Departments and Offices taking into account the Public Service Reform programme and in particular, the principles of Quality Customer Service.

3. Office of the Attorney General (including the Office of the Parliamentary Counsel to the Government)

3.1 Advisory Counsel

The Advisory Counsel side of the Office is divided into five groups covering all legal specialisms. It is comprised of barristers and solicitors (Advisory Counsel) each of whom specialises in a variety of specific areas of law. Each group is headed by a group manager who is not lower in rank than that equivalent to an Assistant Secretary. The principal duty of Advisory Counsel is to assist in the performance of the Attorney General's functions and duties. Each group has dedicated clerical support staff familiar with the business of the group. The range of subjects covered is extensive but the activities themselves fall into three functional areas, namely:

- the provision of advice;
- the direction of litigation;

- involvement in the provision of a legislative drafting service to Government Departments.

There are a number of Advisory Counsel (and Solicitors from CSSO) seconded to Government Departments, and to the Permanent Representation to the European Union. A number of placements have also been arranged with other institutions abroad.

3.2 Parliamentary Counsel

The Office of the Parliamentary Counsel to the Government (OPC) comprises a team of specialist lawyers trained to a high level in the discipline of drafting legislation. The goal of the OPC is to provide a high quality, professional, specialist and efficient legislative drafting service to the Government.

The main work of the OPC is to draft Government Bills to be introduced into the Houses of the Oireachtas, to draft Government amendments to Private Members' Bills and to draft secondary legislation, where appropriate, for Government Departments or

Offices, including instruments transposing EU legislation into domestic law under the European Communities Acts 1972 - 2012.

The Chief Parliamentary Counsel is the head of the OPC and, within the Office of the Attorney General, has overall responsibility for the legislative drafting services provided by it.

The OPC is organised into four groups, each having responsibility for the provision of drafting services to specific Government Departments and Offices. Each group is headed by a group manager who is not lower in rank than that equivalent to an Assistant Secretary. The group manager has responsibility for managing the delivery of the drafting services of the OPC to the Departments and Offices allocated to that group. Each group has dedicated clerical support staff familiar with the business of the group.

3.3 Administration

This Division of the AGO is comprised of dedicated Business Units that provide administrative and support services to the AGO and OPC, including:-

- Library and Know-how
- ICT
- HR
- Finance
- Registry
- Facilities Management
- Private Offices of the Heads of Office

4. Chief State Solicitor's Office

The CSSO is a constituent office of the Attorney General's Office and is the principal provider of solicitor services to the Attorney General and to Government Departments and Offices. It also provides solicitor services to certain other State Agencies, but does not act for members of the public.

Services include;

- Litigation – representing the State in all civil litigation in domestic and external fora (courts, tribunals of inquiry and commissions of investigation) in constitutional actions, judicial reviews, asylum and immigration matters, extradition, mutual assistance requests, European Arrest Warrants, ministerial prosecutions, matters involving the Criminal Assets Bureau, representing Ireland at the Court of Justice of the European Union, and all other litigation where Government Departments or Offices are involved.

- Advisory - providing general and specific advice to client Departments and Offices on a range of legal matters and providing commercial and other advices for important areas of Government such as public procurement (including representing the Office of Government Procurement) and property matters;
- Transactional - providing a comprehensive conveyancing and property legal service to client Departments and Offices; negotiating, drafting and advising on tender documents and commercial contracts.

4.1 CSSO Legal Divisions

The CSSO is organised into five legal Divisions: the Administrative Law Division; the Advisory, Commercial and Employment Law Division; the Constitutional and State Litigation Division; the Justice Division; and the State Property Division. Each Division is organised into sections on the basis of similarity of work or client.

4.2 CSSO Corporate Services

This Division of CSSO comprises dedicated administrative sections that support the provision of corporate services provided by CSSO and the CSSO's obligations in the context of the Public Service Change Programme. These sections are:-

- Human Resources Section, incorporating the Training and Development Unit
- Finance and Accounts Section
- ICT Section
- Office Services Section incorporating the Registry and Records Centre
- Organisational Development and Legal Support, incorporating Information and Knowledge Management and Head of Clerical
- Chief State Solicitor's Private Office

5. Stakeholders

The stakeholders of the Offices include:-

Government

Ministers of the Government

Departments of State and Offices including Departments with
Advisory Counsel on secondment (which request and receive
legal services)

Courts

Government Legislation Committee

Bills Office of the Houses of the Oireachtas

Chief Whip's Office

Comptroller and Auditor General

Dáil Public Accounts Committee

Courts Service

Panels of Counsel

Stakeholders (continued)

Asylum Agencies

Oireachtas Committees

Director of Public Prosecutions

Law Reform Commission

Office of the Revenue Solicitor

Legal Professions

State Claims Agency

EU Institutions

European Court of Justice

European Court of Human Rights

Public Appointments Service

External Professional Support

An Garda Síochána

6. Services to be Provided Bilingually or through Irish and Enhancement of Services to be Provided in Irish

6.1 General Commitment of the Offices

The Offices are committed to maintaining the level of service which they currently provide through Irish and during the implementation of the first three Irish Language Schemes. Also, the Offices are committed to ensuring that the level of service they provide to clients and customers and indirectly to the general public bilingually and through the medium of Irish is firmly embedded in the culture of the Offices over the period of the implementation of this fourth Irish Language Scheme.

The service standards commitments adopted by the Offices as set out in the *AGO/OPC Client Service Guide* and the *CSSO Customer Action Plan* and the *Offices' Client and Customer Charters* in relation to delivery of services shall apply to those services, whether delivered in the Irish language or in the English language.

In addition to fulfilling their obligations under other provisions of the Official Languages Act 2003 the Offices will ensure the continued implementation of the following commitments:

- continue to reply in Irish to all correspondence received in Irish in accordance with section 9(2) of the Act;
- continue to maintain an informal panel of staff in the AGO proficient in Irish who will acknowledge and respond to correspondence and contacts;
- In the event of legal proceedings being instituted in Irish, continue to assign the case to legal staff in AGO and CSSO proficient in Irish, and counsel who is fluent in Irish will be nominated by the Attorney General to act for the State;
- continue to actively promote the Irish language generally among staff and encourage staff to attend Irish training courses;
- continue to implement the Language Training Policy in the AGO which establishes a framework to increase the efficiency and effectiveness of language training, including Irish language training provided to staff;

- continue to update the electronic Irish Statute Book (eISB) to include the text in the Irish language of all Acts (including constitutional amendments) enacted in the Irish language or in both official languages;
- continue to ensure compatibility with the Irish language of relevant computer systems when installing new systems or carrying out suitable maintenance or upgrades to existing systems, subject to availability and without adversely affecting the current level of services available;
- commit to introducing any interactive services in the future simultaneously in both languages should the circumstances arise (given the remit of the Offices, there is practically no demand for interactive services aimed at the general public);
- continue to keep under review the panel of counsel who have indicated their willingness to act for the State and who are fluent in the Irish language;
- continue to measure on an ongoing basis the level of demand for services in the Irish language from clients and customers and put in place any additional measures to ensure the availability of adequate resources to meet these demands;

- continue to maintain an informal Irish Language Interest Group in the AGO with a role in promoting the Irish language generally in the AGO, through social and other activities;
- continue the Ciorcal Comhrá in the CSSO;
- continue to maintain a post of Irish Language Officer in each Office so as to provide a focused and co-ordinated approach for enhancing the level of service provided through Irish over the lifetime of the Scheme;
- continue to keep under review the number of staff with proficiency in the Irish language and the recruitment of staff with a capacity to work through the medium of the Irish language and the English language to comply with obligations where necessary;
- continue to maintain and update on an ongoing basis an electronic and paper-based inventory of Irish language resource material in the CSSO;
- continue to provide access to an updated Irish language resource page via the AGO intranet and a list of hardcopy Irish language resources available in the AGO library;

- continue to maintain and update the Offices' websites in bilingual format. In that regard the Offices will ensure that all publications, including any information leaflets and brochures that are produced in Irish or bilingually, will be made available on the Irish version of the website at the same time as the English version;
- ensure that the content on any new websites introduced by the Offices during the course of this Scheme will be bilingual;
- Where job vacancy notices are advertised on the Offices' websites, publish the notices in both languages;
- continue to maintain separate e-mail addresses in each Office (eolas@ag.irlgov.ie eolas@csso.gov.ie) to which queries in Irish may be directed and include the bilingual standard disclaimers on outbound e-mail messages;
- ensure that application forms produced by the Offices will continue to be made available simultaneously in both official languages on the websites and where appropriate, publish such forms bilingually under one cover. The Offices will ensure that where application forms 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;

- give precedence to the Irish language on the Offices' logos on all stationery, compliment slips and business cards;
- continue to commit to meeting the requirements in terms of training and resources identified by the Irish Language Officers in the regular reports to the local and Main Management Committees/Board.

6.2 Electronic Irish Statute Book (eISB)

The Office of the Attorney General publishes the [electronic Irish Statute Book](#) (eISB) on-line. The eISB contains the full text of Acts and Statutory Instruments from 1922 to date in the language in which they were enacted or made. Where an Act was enacted in both official languages (for example an Act to amend the Constitution) the eISB contains the text of the Act in both official languages. The full text of the Constitution is also published in both official languages. The eISB web site interface text is also bilingual.

There are no plans to publish a version of the electronic Irish Statute Book containing official translations of all legislation. The Houses of the Oireachtas Service (HOS) hosts a [bilingual website](#) which contains Irish translations of Acts of the Oireachtas enacted in the English language from 1922 to 2009 (with some exceptions).

6.3 Legislation

All primary and secondary legislation drafted in the Office of the Parliamentary Counsel to the Government is drafted in the English language. Rannóg an Aistriúcháin in the Bills Office, Houses of the Oireachtas Service, is tasked with the official translation of all primary legislation into Irish.

6.4 Receptionists/Telephonists

The reception staff and telephonists are the first point of contact with callers to the Offices. It will be the policy of the Offices to continue to ensure that standard Quality Customer Service practice applies in this area. Accordingly, from the commencement of the Scheme:

- Receptionist staff and telephonists will continue to ensure that the names of the Offices are given in Irish and in English;
- Receptionist staff and telephonists are familiar with the basic greetings in Irish;
- Suitable arrangements are in place so that members of the public can, without delay, be assigned or transferred to an officer who will deal with their query in the Irish language, where available;
- Ongoing refresher training will be provided as the need arises to receptionist staff and telephonists to ensure that communications in the Irish language are dealt with in a prompt and satisfactory manner.

6.5 Oifigeach na Gaeilge/Irish Language Officer

The Irish Language Officers in the Offices will continue to:

- collaborate closely so as to provide a focused and co-ordinated approach for enhancing the level of service provided through Irish over the lifetime of the Scheme;
- liaise with the respective Office Head of Administration and Head of Corporate Services in relation to training requirements for staff which may be identified as arising from time to time;
- 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;
- advise when it is necessary to send out Irish language material for professional translation;
- report regularly to the respective Head of Administration, Head of Corporate Services and local and Main Management Committees/Board and Partnership as appropriate identifying the steps which have been taken in meeting the Offices' commitments under the Scheme 2020 – 2023, and making

recommendations in terms of further training and resource requirements;

- carry out, in association with the respective Human Resources function in each Office an inventory of the demand for Irish services in the course of implementation of the Scheme 2020 – 2023;
- carry out, in association with the respective Human Resources function in each Office a survey of staff proficiency levels in the Irish language by end December 2020;
- liaise with the respective Training and Development Officer in each Office in relation to the promotion of Irish language training courses;
- liaise with the respective Human Resources function in each Office in relation to establishing an up-to-date record of staff with proficiency in the Irish language by December 2020;
- liaise with the Library and Information and the ICT functions in the CSSO in relation to the updating of the electronic and paper-based inventory of Irish language resource material;
- liaise with the Library and Know how and the ICT Units in the AGO in relation to the updating of the Irish language resource page on the intranet and the hardcopy guide for the library in the AGO.

6.6 Specified Irish Language Posts

Having regard to Government policy for enhanced provision of services in Irish, the Offices reviewed the question of posts for which Irish language competency is an essential requirement. The Irish Language Officer roles were identified as requiring Irish language competency and arrangements are in place in this regard.

7. Monitoring

The Irish Language Officer in each Office will, in liaison with the relevant Head of Administration/Head of Corporate Services, keep the effective operation of the Scheme under review, and will submit periodic reports to the respective local Management Committee/Board and the joint AGO/CSSO Main Management Advisory Committee.

8. Publicising of Agreed Scheme

The contents of this Scheme along with the commitments and provisions of the Scheme will be publicised by means of publication of Scheme on the Offices' websites.

In addition the Offices will take every opportunity in their interactions with clients and customers to promote and publicise the services they provide through Irish by the display of notices at reception areas indicating the Irish language services that are available and also by prominently listing these on the Offices' websites.

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