

**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 2015 - 2018

SCÉIM 2015 - 2018

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1. Introduction and Background

This Scheme, the third Irish Language Scheme was prepared under Section 15 of the Official Languages Act 2003 ("the Act") by the Office of the Attorney General including the Office of the Parliamentary Counsel to the Government and the Chief State Solicitor's Office. 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.

The Office of the Attorney General (AGO) includes the Office of the Parliamentary Counsel to the Government (OPC) and the Office of the Chief State Solicitor (CSSO).

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 Office 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 and the Attorney General's Scheme we refer you to information included on our Office website at <http://www.attorneygeneral.ie/> where details are available in both the English and Irish languages.

1.1 Guidelines for preparation of a Scheme

Section 12 of the Act provides for the preparation of guidelines by the Minister for Arts, Heritage and the Gaeltacht and their issue to public bodies to assist in the preparation of draft Schemes. This Scheme has been drawn-up taking account of these guidelines.

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 13 October 2014, inviting representations from interested parties in relation to the preparation of the draft Scheme. A closing date of 10 November 2014 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 both Offices. Submissions can be viewed at www.attorneygeneral.ie The Offices appreciate the time and effort put in by all concerned in this process.

1.2 The Content of the Scheme 2015 - 2018

This Scheme builds on the progress made in the provision of services through the medium of Irish through the implementation of the first two Irish Language Schemes. The first two 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 Attorney General's Office and Chief State Solicitor's 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 each Office proficient in Irish and counsel who is fluent in Irish is nominated by the Office to act for the State. Also both 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 also carried out evaluations of the first two Schemes in 2011 and 2014 respectively.

The objective of this third Scheme is to ensure the continued delivery of the commitments set out in the first two Schemes and to enhance the level of service over the period of the Scheme 2015 – 2018. Areas for future enhancement of services provided by the Offices through Irish are identified in Chapter 5 of the Scheme.

A Group, representative of both Offices, prepared the Scheme. Responsibility for monitoring and reviewing the Scheme will rest with the local Management Advisory Committees 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 Arts, Heritage and the Gaeltacht. The Scheme takes effect from 15 June 2015 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. The Office of the Attorney General including the Office of the Parliamentary Counsel to the Government

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 Office of the Attorney General

The Office’s Statement of Strategy 2011 - 2014 states:-

“The mission of the Office of the Attorney General is to provide the highest standard of professional legal services to Government, Departments and Offices as economically and efficiently as possible.”

The principal roles of the Office 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 Plan and in particular, the principles of Quality Customer Service.

2.2.1 Advisory Counsel

The Advisory side of the Office is divided into five specialist groups covering all legal specialisms. It is comprised of barristers (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 drafting service to Government Departments.

2.2.2 Lawyers seconded to Government Departments

As part of the diversification of the model of delivery of legal services and in recognition of the expanding need for legal input at an early stage in Government Departments, the Office has been running a highly successful secondment programme since 2006 whereby Advisory Counsel and Solicitors from the Office are placed as legal advisers within Government Departments.

Advisory Counsel placed in Departments are experienced constitutional lawyers who undergo specific training in the Attorney General's Office to prepare them for their placements.

Legal advisors placed within Departments provide legal advice on matters referred to them by the Department and the relevant Minister and will deal with many aspects of the day to day requirements for legal input that a Department may have, both in terms of assistance

with legislative projects and discrete legal queries that may arise on key policy initiatives.

These in-house legal advisors are uniquely placed to have an insight into the legal requirements of a Department. They develop a specialist legal knowledge of the area in which they are placed and provide effective, focussed and client specific legal advice against a broad background of public law expertise which they have gained at the Office. They develop working relationships with all of the stakeholders involved and provide an important point of liaison between the Departments and the legal offices of the State.

The legal advisors also play an important role in the overall formulation of briefing for the Office and assist Departments in identifying matters of potential legal or constitutional significance at an early stage and referring those for advice to the Attorney General.

In 2012 the Office had seconded 12 Advisory Counsel and 1 solicitor from the CSSO to ten participating Departments. In 2013, due to increasing demand, the secondment programme was significantly expanded and the Office currently has 23 legal advisors across 15 Government Departments and Offices.

The CSSO also used a new service delivery model in 2013 whereby six solicitors attached to the CSSO were funded by particular Departments to do specialised property work for those Departments.

Two solicitors were engaged for the Department of Defence, one

solicitor for the Department of the Environment, Community and Local Government, one solicitor for the Department of Agriculture, Food and the Marine and two solicitors for the Department of Social Protection.

The Office welcomes the success of these programmes and intends to continue to introduce innovations as appropriate in seeking to meet the needs of Government for the provision of legal advice into the future.

2.2.3 Permanent Representation to the European Union

The Office has assigned an Advisory Counsel to be seconded as legal counsellor to the Permanent Representation of Ireland to the European Union in Brussels. Since its establishment in 1996, the role of the legal counsellor has become an essential and intrinsic element of the effective functioning of the Permanent Representation. The role is very varied and involves a wide range of functions and duties.

The legal counsellor furnishes legal advice to the representatives of all Government Departments who are members of the Permanent Representation on the wide range of legal issues which arise on a day-to-day and often very urgent basis. Due to the participation of the legal counsellor in important EU negotiations, including Treaty reform and other significant legislative developments, the Attorney General is now involved from an early stage in advising on significant EU legal issues. The role involves furnishing oral and written advices, opinions and briefings on matters of EU law, domestic legal and

constitutional issues which arise in the context of Ireland's membership of the Union. This service facilitates the seeking and provision of legal advice in respect of community initiatives and seeks to ensure that Departments are aware of, and as up-to-date as possible with, their obligations under European law. The diplomatic aspect of the role includes extensive consultation, briefing and negotiations within the Council for the protection and promotion of the State's legal interests.

2.2.4 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 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 - 2009.

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 five 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.

2.2.5 Administration

This Division of the Office is comprised of dedicated Business Units that support the provision of services provided by the Office and indeed the Office's obligations in the context of the Public Service Change Programme. These Business Units are:-

- Library and Know-how Unit
- IT Unit
- Registry
- Finance Unit
- Human Resources Unit
- Internal Audit Unit (shared with the CSSO)
- Change Management Unit (shared with the CSSO)
- Corporate Services Unit
- Attorney General's Private Office
- Director General's Private Office
- Chief Parliamentary Counsel's Private Office.

3. Chief State Solicitor's Office

3.1 Roles and Functions of the Office

The Chief State Solicitor's Office is a component part of the Office of the Attorney General and is the principal provider of Solicitor services to the Attorney General and to all Government Departments and Offices. The CSSO also provides Solicitor services to certain other State Agencies and to Tribunals of Inquiry, but does not act for members of the public.

The main functions of the Office include;

- carrying out conveyancing of State property, including dealing with landlord and tenant and other property matters.
- furnishing of legal advice on the various issues that are submitted by Government, Departments and Offices and drafting of the necessary accompanying legal documents, including commercial contracts.
- providing a Solicitor service in all civil courts in which the State or the Attorney General is involved.
- preparing and presenting prosecutions initiated by Ministers or Government Departments.
- providing a Solicitor service to the Garda Síochána in matters related to the functions of the Criminal Assets Bureau.
- acting as Agent of the Government before the European Court of Justice.

- acting for the State in Inquiries under the Tribunals of Inquiry (Evidence) Acts 1921 - 2004 and supplying legal staff to act for the Tribunals, the public interest and other relevant State Authorities.
- advising and representing State parties in asylum, refugee and immigration matters.
- acting for the State in Extradition and European Arrest Warrant proceedings, Mutual Assistance Applications, Inquests, Police Property Applications and cases involving the Transfer of Sentenced Persons.
- discharging functions under the Council Regulation (E.C.) No. 1348/2000 of 29 May 2000 and the 1965 Hague Convention on the service abroad of Judicial and Extra - judicial documents in civil or commercial matters.
- representing the State in taxations of costs before the Taxing Masters and on appeal.

Generally, the solicitor service for the prosecution of crime is provided by the Office of the Director of Public Prosecutions through the Chief Prosecution Solicitor's Office. In the case of prosecutions arising outside of Dublin the solicitor service continues to be provided by the local State solicitor service. Responsibility for the provision and management of the local State solicitor service has transferred from the CSSO to the Office of the Director of Public Prosecutions.

3.1.1 Legal Divisions

The Chief State Solicitor's Office is organised along the lines of five legal Divisions. The five legal Divisions are Advisory, Common Law Litigation, Justice and Asylum, Public Law and State Property. Each Division is organised into sections (or, in some cases, teams) on the basis of similarity of work or client. The organisation takes account of the principal demands of clients.

3.1.2 Administration

This Division of the Office is comprised of dedicated Business Units that support the provision of services provided by the Office and indeed the Office's obligations in the context of the Public Service Change Programme. These Business Units are:-

- Human Resources Unit
- Training and Development Unit
- Library & Know-how Unit
- Accounts Section
- IT Unit
- Office Services Unit
- Registry and Records Centre
- Chief State Solicitor's Private Office

4. Stakeholders

The stakeholders of the Office of the Attorney General including the Office of the Parliamentary Counsel to the Government and the Chief State Solicitor's Office are:-

Government

Departments 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

Asylum Agencies

Department of the Taoiseach

Oireachtas Committees

Department of Finance

Director of Public Prosecutions

Law Reform Commission

Office of the Revenue Solicitor

Office of Public Works

Legal Profession

State Claims Agency

EU Institutions

European Court of Justice
European Court of Human Rights
Recruitment Agencies
External Professional Support
An Garda Síochána
Companies Registration Office

5. Services to be provided bilingually or through Irish and enhancement of services to be provided in Irish

5.1 General Commitment of the Office of the Attorney General including the Office of the Parliamentary Counsel to the Government and the Chief State Solicitor's Office

The Offices are committed to maintaining the level of service which they currently provide through Irish and during the implementation of the first two Irish Language Schemes. Also, the Offices are committed to ensuring that the provision of 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 third Irish Language Scheme.

The service standards commitments adopted by the Offices as set out in the Office of the Attorney General's (including the Office of the Parliamentary Counsel to the Government) *Client Service Guide* and the Chief State Solicitor's Office *Customer Action Plan* and indeed the Office's *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 its 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 Advisory Counsel in the Office of the Attorney General 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 each Office proficient in Irish and counsel who is fluent in Irish will be nominated by the Office to act for the State;
- continue to actively promote the Irish language generally among staff and encourage staff to attend Irish training courses;
- implement the Language Training Policy in the Office of the Attorney General 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) passed 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 separate Irish language Sub-Groups of Partnership in the Office of the Attorney General including the Office of the Parliamentary Counsel and the Chief State Solicitor's Office with a role in promoting the Irish language generally in each Office, through social and other activities;
- continue to maintain a post of Irish Language Officer in both Offices 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;
- 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.
- advertise all job vacancy 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 Office's logo on all stationery, complimentary slips and business cards;
- 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 Advisory Committees.
- continue to offer a three month work experience position each year to a student studying law through Irish in the University College Cork faculty of Law.

5.2 Electronic Irish Statute Book (eISB)

The Office of the Attorney General publishes the electronic Irish Statute Book (eISB) on-line at www.irishstatutebook.ie. 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 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 is updated on a regular basis.

There are no plans to publish a version of the electronic Irish Statute Book in the Irish language. The Houses of the Oireachtas Service (HOS) hosts a bilingual website at www.aichtanna.ie which contains Irish translations of Acts of the Oireachtas enacted in the English language from 1922 to 2009 (with some exceptions).

5.3 Legislation

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

5.4 Receptionists/Telephonists

The reception staff and telephonists are the first point of contact with callers to each Office. 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 name of the Offices is 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.

5.5 Oifigeach na Gaeilge/Irish Language Officer

The Irish Language Officers in both 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 Heads of Administration in both Offices 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 Heads of Administration and local and Main Management Advisory Committees and Partnership as appropriate identifying the steps which have been taken in meeting the Office's commitments under the Scheme 2015 – 2018, and making recommendations in terms of further training and resource requirements;
- carry out, in association with the Human Resource Unit in each respective Office an inventory of the demand for Irish services in the course of implementation of the Scheme 2015 – 2018;
- carry out, in association with the Human Resource Unit in each respective Office a survey of staff proficiency levels in the Irish language by end December 2015;

- liaise with the Training Officer in each respective Office in relation to the promotion of Irish language training courses;
- liaise with the Human Resources Unit in each respective Office in relation to establishing an up-to-date record on the Human Resources Management System of staff with proficiency in the Irish language by December 2015;
- liaise with the Library and Know-how Unit and IT Unit in each respective Office in relation to the updating of the electronic and paper-based inventory of Irish language resource material;

5.6 Specified Irish Language Posts

Having regard to Government policy for enhanced provision of services in Irish, the Offices will, by the end of the period covered by the scheme, undertake a review with a view to identifying any posts for which Irish language competency is an essential requirement. Every effort will be made to fulfil these requirements by the end of this scheme having regard to recruitment, promotion and training policies, as appropriate. This will enable the Offices to plan and prioritise the incremental improvement of services in Irish in a more strategic manner.

6. Monitoring

The Irish Language Officer in each Office will, in liaison with the relevant Head of Administration, keep the effective operation of the Scheme under review, and shall submit periodic reports to the

respective local Management Advisory Committee and the joint AGO/CSSO Main Management Advisory Committee.

7. Publicising of agreed Scheme

The contents of this Scheme along with the commitments and provisions of the Scheme will be publicised by means of:-

- Launch of Scheme on the Office Websites

In addition both 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 Office's websites.

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.