



Guidance for the recruitment of Welsh Language-essential magistrates

When Advisory Committees in Wales forecast the number of magistrates to recruit for a given period, they must consider how many, if any, of the vacancies should be advertised as 'Welsh language-essential'. This will depend on factors such as the existing number of bilingual magistrates and projected retirements.

The overarching aim should be to ensure that there will be enough bilingual magistrates within Local Justice Areas in Wales to fulfil their obligations under Section 22 of the Welsh Language Act 1993.

Once Advisory Committees have determined the number of 'Welsh language-essential' magistrates required, this should be communicated to the appropriate Advisory Committee Secretary who has responsibility for operations in Wales and the Judicial Business Group for approval. Advisory Committees must not advertise Welsh language-essential vacancies until the figure has been approved. The number of Welsh language-essential posts agreed upon in any given recruitment exercise should be regarded as a figure to aim for. Advisory Committees will not be criticised for failing to recruit the stated number of bilingual magistrates required.

Advertising vacancies

Where an Advisory Committee has identified some or all of its vacancies as Welsh language-essential, advertisements should be prepared in bilingual format. The adverts should state that "*X number of vacancies are Welsh language-essential*" and include information on how candidates can access the Welsh language version of magistrate application materials – it is not mandatory for candidates to apply in Welsh.

The application process

Both English and Welsh versions of the magistrate application form enable candidates to signify that they wish to be considered for Welsh language-essential vacancies (as well as non-Welsh language-essential vacancies).

How candidates should show that they have the necessary language skills

The key attribute of ***communicating with sensitivity and respect*** will be tested at interview. The applicant should be able to communicate effectively in Welsh. The applicant should state whether they want the interview to be in Welsh (with at least one question in English) or if they want the interview to be in English (with at least one question in Welsh) to show they have the necessary language skills. For this attribute, magistrates must:

Listen actively and attentively, clarify opinions and communicate confidently and sensitively, within confidential boundaries. Adapt their style to match the situation and clearly articulates the rationale for decisions made.

Candidates must be able to meet the above requirements using both the English and Welsh language.

The interview form will have a yes/no tick box which should be completed to evidence whether the panel are satisfied with the candidate's language skills.

Assessing whether candidates have the necessary language skills

To satisfy Advisory Committees that candidates have the necessary language skills, the candidate is required to provide a reference from someone willing to say that he or she has the necessary language skills.

As candidates are already required to nominate two referees it is reasonable to expect that one of those should be able to provide the necessary reference. The application form and guidance notes enable the candidate to signify which referee should be approached.

It is suggested that when writing to the referee in question to take up the usual reference, Advisory Committees add text along the following lines to the letter:

Mr X has indicated that he wishes to be considered for one of our Welsh language-essential vacancies. In addition to meeting the five key attributes required of all magistrates, these vacancies require that candidates be sufficiently fluent in Welsh to be able to conduct proceedings in that language. This means being able to understand documents, identify and comprehend relevant facts reasonably quickly, follow evidence and arguments and to communicate effectively with colleagues, court staff and court users in Welsh.

Applicants for Welsh language vacancies are required to nominate one of their referees to confirm their view that the applicant is sufficiently fluent in Welsh to meet this requirement. Mr X has nominated you.

Please ensure, therefore, that you complete section 3 of the reference form along with the rest of the form.

Selecting candidates

Candidates who have elected to be considered for the Welsh language essential vacancies and provided a satisfactory reference should be interviewed and scored in exactly the same way as all other candidates, with the highest scoring candidates put forward for the available Welsh language-essential vacancies.

Selecting candidates where there are both types of vacancy

It is probable that both Welsh language-essential and non-Welsh language-essential vacancies will exist simultaneously in a given area from time to time.

Once interviews for both Welsh language-essential and non-Welsh language-essential vacancies have taken place, the Advisory Committee should make its selections for the Welsh language-essential posts first (based on the scores attained at interview by those candidates who have elected to be considered for Welsh language-essential vacancies). Advisory Committees should then go on to consider their recommendations for the non-Welsh language-essential posts (again based on scores attained at interview by both English-speaking candidates and those applicants who have expressed a wish to be considered for the Welsh language-essential positions).

This sequence will enable any candidates for the Welsh language-essential vacancies who passed the minimum standard for selection, but were not selected for the Welsh language-essential vacancies due to other candidates scoring higher, to also be considered for the non-Welsh language-essential vacancies. This approach will ensure that, for both Welsh language-essential and non-Welsh language-essential posts, vacancies will always be filled by the highest scoring eligible candidates and that candidates will continue to be recommended for appointment on merit, having been assessed against the five key attributes.