



Guidance for the recruitment of Welsh Language-essential magistrates

Lord Chancellor's Directions, Appendix 3A

When advisory committees in Wales forecast the number of magistrates to recruit for a given period, they should 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, projected retirements and so on.

The overarching aim should be to ensure that there will be sufficient numbers of bilingual magistrates in order for the magistrates' courts in the area covered by the advisory committee to fulfil their obligations under Section 22 of the Welsh Language Act.

Once committees have arrived at the required figure, it should be communicated to the appropriate senior HMCTS official with responsibility for operations in Wales and the Presiding Judge for approval. Advisory committees should not proceed to 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 by MoJ for failing to recruit the stated number of bilingual magistrates required.

Advertising vacancies

Where a committee has identified some or all of its vacancies as Welsh language-essential and the figure has been approved, advertisements should be prepared (most probably for the local press) 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 the magistrate application materials (it will not be mandatory to apply in Welsh).

The application process

Both the English and Welsh versions of the magistrate application forms have been amended to 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 for Welsh language-essential vacancies should show that they have the necessary language skills

The key quality of *understanding and communication* is amended to include additional reference to the need for Welsh language skills when applying for a Welsh language-essential vacancy, as shown below in bold.

Understanding and Communication

Magistrates must:

- be able to communicate effectively with colleagues, court users and court staff; and
- be able to comprehend relevant facts reasonably quickly, follow evidence and arguments and concentrate, often for long periods of time.

Note: Candidates for Welsh language-essential vacancies must be able to meet the above requirements using both the English and Welsh language.

How advisory committees should satisfy themselves that candidates have the necessary language skills for Welsh language-essential vacancies

To satisfy advisory committees that candidates have the necessary language skills, we have adopted a similar approach to the Judicial Appointments Commission - to require the candidate 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 three referees it is reasonable to expect that one of those should be able to provide the necessary reference. Application forms 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 six key qualities 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 (Appendix 3A) along with the rest of the form.

Selecting candidates for Welsh language-essential vacancies

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). 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 six key qualities.