

ANNUAL REPORT 2010

To the Minister for Community, Equality and Gaeltacht Affairs:

In accordance with section 30 of the Official Languages Act 2003, this Report for the year 2010 is being presented by An Coimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga

February 2011

MISSION STATEMENT

“Protecting Language Rights”

To provide an independent quality service whilst fulfilling our statutory obligations to ensure state compliance in relation to language rights.

To ensure fairness for all by dealing in an efficient, professional and impartial manner with complaints regarding difficulties in accessing public services through the medium of Irish.

To provide clear and accurate information:

- to the public in relation to language rights, and
- to public bodies in relation to language obligations.

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FOREWORD

The year 2010 brought to an end my first term as Coimisinéir Teanga. I was greatly honoured to be reappointed by the President of Ireland for another 6 year term, on the advice of the Government, following the passing of a resolution by the Houses of the Oireachtas recommending the reappointment. It was a particular source of satisfaction to me that the opposition parties supported my reappointment to this position.

I want to sincerely thank all those who showed their confidence in me, including the President, the Government and the opposition. In particular, I wish to mention the Joint Committee on Arts, Sport, Tourism, Community, Equality and Gaeltacht Affairs of the Houses of the Oireachtas which held a specific debate on my reappointment on 17 February 2010 and all the members of the Committee who participated in that debate.

During my first term as Coimisinéir Teanga, and since my reappointment to the position, I have received excellent support and cooperation from many people. I would like to take this opportunity to thank them also. These include employees of the civil and public service, representatives of Irish language and Gaeltacht organisations, the media, researchers, academics, and many others. My thanks also go to the Minister for Community, Equality and Gaeltacht Affairs and the staff of his Department.

It would be almost impossible to fulfil the statutory duties set by the Oireachtas for my Office without the Office's highly motivated staff. I take this opportunity to express my personal gratitude to the staff for their continued diligence and reliability.

Forewarning

By the end of 2010, my Office was operating with three staff vacancies. Five staff members were working where eight had been sanctioned as a minimum: this represents a reduction of 37.5%. The statutory obligations of the Office can be divided into three sections: an independent ombudsman service, a compliance agency, and an advisory body on statutory language rights and duties. I must give a clear warning in this Annual Report that it can not be presumed that my Office will be able to fulfil these obligations fully and properly with the current staff restrictions. It will be necessary to identify priorities with regard to the performance of these duties until appropriate staffing levels are available to allow full compliance with our mandate.

A Difficult Year

It was a difficult year for the country on every front and it was clear that Irish language and Gaeltacht affairs would not be exempt from the cuts being implemented at all levels of the public sector. One could hardly expect to ringfence language issues while every other sector of society was suffering. On the other hand, the national language is a priceless and integral part of our heritage and our culture which must be maintained.

However, some positive events did take place during 2010, and I refer particularly to the publication by the Government of the 20 Year Strategy for the Irish Language – a strategy that gained cross-party support in the Houses of the Oireachtas. At a time of widespread gloom in many areas of the public sector, the public was, at least, presented with a long-term plan with ambitious targets for the future of the language. The challenge now is to strengthen the Strategy and to implement it appropriately and fully.

Progress

This Report presents a statistical analysis and a written description of the work of this Office for the year 2010. In my opinion, gradual progress is being made in the provision of state services through Irish. There may be those who believe that too much focus is placed on those instances where public bodies have failed to properly fulfil their statutory duties, with too little recognition or credit given in the many instances where public bodies excel in providing services through Irish.

One specific example of this which comes to mind for 2010 is the proactive way in which the staff of the Department of Social Protection ensured that the new service cards, which will soon be in the possession of the general public, will be fully bilingual and in line with best practice in the use of official languages.

More interactive online services were also made available through Irish during the year, building on the well-established models provided by sites such as www.motarchain.ie, the online systems, ROS and PAYE anytime, developed by Revenue, and other such sites. In this context, I must mention the initiative led by the Dublin Vocational Education Committee to develop a bilingual online application system for third level student grants on behalf of a grouping of other vocational education committees and local authorities. I note also the new bilingual systems developed for local authorities to facilitate the collection of fees from people with second homes, and the bilingual registration systems developed by the Data Protection Commissioner's Office and the Companies Office.

My Office is happy to report that there seems to be an enhanced level of understanding in public bodies with regard to the use of official languages in public signage in accordance with the statutory regulations that are now in force. I note in this context the excellent example with regard to the use of Irish and English signage provided by the Dublin Convention Centre and other institutions.

A further good example is provided by those local authorities who have plans in place to proactively correct errors with regard to the use of the official languages on existing signage not in compliance with the relevant statutory language requirements.

Alarming

Ultimately, however, the basic problem with regard to the provision of services in Irish is the lack of staff with competence in the language employed in the public service and available to cater for those for whom Irish is their language of choice. It appeared to me that an alarming picture was painted by statistics provided by the Department of Education and Skills in 2010 which showed that only 1.5% of the administrative staff of the Department had the ability to provide a service in Irish of an equivalent standard to the service provided in English. This shows more clearly than anything else the gap between the ability to provide services through English and the ability to provide services through Irish.

Complaints and Investigations

During the year, 700 complaints were made to my Office about difficulties or problems accessing state services through Irish – more complaints than were made in any year since the Office were established. The complaints came from individuals in the general public, language activists and language organisations. The vast majority of cases were resolved through informal negotiations with the relevant public body or by providing advice to the complainant. I appreciate the cooperation given to staff of the Office in these instances.

A total of 11 formal investigations were commenced during 2010 in addition to one which was ongoing from the end of the previous year. These investigations were concluded, with the exception of one which was still in progress at year-end. A summary of the cases involved is available in this Report, in the chapter entitled “Investigations”. It should be noted that investigations are carried out only when it appears that a statutory violation has occurred and when informal efforts to resolve the issues are not successful.

Compliance

During 2010, my Office continued to conduct detailed audits of public bodies to monitor the level of compliance with the provisions of the Official Languages Act. Among those audits was one that showed some 28% of public bodies consistently failed to provide the most basic level of service through Irish to customers who contacted them by telephone. This is all the more significant when one considers that the audit covered public bodies whose language schemes were in place for more than 4 years. Some 43% of the public bodies concerned provided an appropriate level of service in Irish on the telephone while another 29% made some effort but did not fully succeed in complying with their language obligations in this regard. Comprehensive information about this Office’s language audits is available in the chapter entitled "Monitoring" in this Report.

Language Schemes

I pointed out in the Annual Report of 2008 that I had concerns about the delay in confirming language schemes with public bodies under the Act, and this includes delay in concluding the second round of language schemes.

These concerns are not allayed by the statistics relating to 2010.

At the end of the year, no second language scheme had yet been implemented for 51 public bodies whose first schemes reached "expiration", as described in subsection 15(1) of the Act. According to the legislation, public bodies must continue to provide services through Irish in accordance with the commitments given in their first scheme but, in the absence of a new scheme, a public body is not obliged to further develop these services.

The total of 51 schemes which had reached "expiration" equates to half of the schemes previously ratified. Of these schemes, 12 had expired more than two years ago.

In addition, there were 26 other public bodies whose first draft schemes had been requested by the Minister for Community, Equality and Gaeltacht Affairs but remained to be agreed and confirmed. In the case of 10 of those public bodies, more than 4 years had passed since they were requested to prepare the draft schemes and three and a half years had passed in two other cases.

I am still strongly of the opinion that this delay in the confirmation of schemes is not in accordance with what was envisioned under the provisions of the Act or under the statutory regulations made under the Act.

Educational Resource

During 2010, my Office developed a bilingual educational resource on language rights as an aid to students and teachers and as part of the Junior Certificate course in Civic, Social and Political Education (CSPE).

The educational resource was tested as a pilot scheme in 15 schools (a mixture of Gaeltacht schools, Gaelscoileanna and schools teaching through the medium of English) during the period from September to December 2010, under the guidance of an expert from the Second Level Support Service of the Department of Education and Skills.

It is planned to make the resource available to all second level schools in the country, provided the appropriate funding is available for the project.

The educational resource consists of a series of lessons relating to language rights prepared for teachers and students of the CSPE course. It gives an insight on language rights in general and Irish language rights in particular, in the context of human rights. The active learning package has been prepared bilingually and contains a teacher's manual, posters, a CD-ROM, a DVD of video clips and online resources.

Rith 2010

On St. Patrick's Day it was a great honour for me to read the message of support from the President of Ireland, Mary McAleese, at the finish of *Rith 2010* in Eyre Square, Galway. The aim of the marathon, *Rith 2010*, which was organised by Conradh na Gaeilge, was to support and encourage the speaking of Irish at community level and to celebrate the Irish language and culture.

The relay race lasted 9 days and 1,600 km, circuiting the country and passing through the provinces of Ulster, Leinster, Munster and Connacht. A baton was passed from hand to hand between groups of runners every kilometre. The baton contained a message from the President sending her best wishes to the runners and the organisers of *Rith 2010* and praising their celebration of the Irish language.

BACKGROUND

The President formally reappointed me as Coimisinéir Teanga on 23 February 2010 on the advice of the Government following a resolution passed by Dáil Éireann and Seanad Éireann recommending the appointment. The reappointment received the support of all the parties in the Dáil and Seanad and of members of the Oireachtas Joint Committee on Arts, Sports, Tourism, Community, Equality and Gaeltacht Affairs.

A detailed account of the work of the Office since its establishment is provided in the annual reports available on the Office's website: www.coimisineir.ie. The relevant financial accounts are also available online.

The Office of An Coimisinéir Teanga is an independent statutory office whose responsibility is to monitor the manner in which the State's public bodies comply with the provisions of the Official Languages Act 2003. The Office takes all necessary measures to ensure that public bodies fulfil their obligations under the Act itself, under the Regulations made under the Act and under language schemes where these apply.

The Office investigates complaints from the public in cases where it is believed that public bodies may have failed to fulfil their obligations under the Official Languages Act. The Office also enquires into any valid complaints regarding allegations that a provision of any other enactment relating to the status or use of Irish has been contravened.

My Office provides advice to the public about their language rights and to public bodies about their language obligations under the Act. The primary objective of the Act is to ensure that the services provided through Irish by the civil and public service increase in both quantity and quality over a period of time.

It is expected that the implementation of the Act will create a new space for the language within the public administration system of the country. It is an illustration of one element of the State's Irish language policy which complements other efforts to promote the language in education, in broadcasting, in the arts, in Gaeltacht life and in Irish life generally.

The President signed the Official Languages Act into law on 14 July 2003 and three years later, on 14 July 2006, all provisions of the Act not already commenced by Ministerial Order came into effect. That meant that from this date onwards, every provision of the Act had a statutory basis.

On 1 October 2008, the Minister for Community, Rural and Gaeltacht Affairs signed the Official Languages Act 2003 (Section 9) Regulations 2008 (S.I. No. 391 of 2008). The earliest implementation date under the Regulations was 1 March 2009, when specific obligations came into effect with regard to the use of Irish on new signage and stationery. No Regulations had been made by the end of 2010 regarding advertisements or live oral announcements.

Under the Regulations, public bodies are obliged to ensure that their stationery, their signage and their recorded oral announcements are provided in Irish only, or in Irish and English, in accordance with certain provisions set out in the Regulations. My Office provided a significant number of information sessions to public bodies to explain the new Regulations.

During 2010, the Minister for Community, Equality and Gaeltacht Affairs confirmed additional language schemes and by the end of 2010, a total of 87 first round schemes and 18 second round schemes, which covered 191 public bodies, had been confirmed under the Official Languages Act.

By the end of 2010, 26 public bodies were preparing draft schemes for the first time and the Minister had directed 54 public bodies to prepare their second draft scheme. This second round of schemes consists of new schemes that will lead to the expansion and development of the services in Irish provided by public bodies as a result of the implementation of their first language scheme. During the year, my Office continued its assessment and audit process of public bodies which had schemes agreed.

The Government agreed a 20-Year Strategy for the Irish Language on 30 November 2010 and An Taoiseach launched the Strategy on 21 December 2010. The aim of the Strategy is to increase the number of people using the Irish language on a daily basis outside the education system to 250,000 people over the next 20 years.

INFORMATION & COMMUNICATIONS SERVICES

During 2010, my Office continued with various campaigns to promote awareness of the Official Languages Act 2003 and the work of the Office.

Educational Resource

During 2010, a bilingual educational resource on language rights was developed as an aid to students and teachers and as part of the course in Civic, Social and Political Education (CSPE) for the Junior Certificate.

The educational resource *Language Rights* was tested as a pilot scheme in 15 schools (a mixture of Gaeltacht schools, Gaelscoileanna and schools teaching through the medium of English) during the period from September to December 2010, under the guidance of an expert from the Second Level Support Service of the Department of Education and Skills.

Depending on the feedback received in relation to the pilot scheme, the resource may be amended before it is made available to all second level schools throughout the country. Distribution is also dependent on the provision of appropriate funding.

Language Rights consists of a series of lessons relating to language rights prepared for teachers and students of the CSPE course. It gives an insight on language rights in general and Irish language rights in particular, in the context of human rights. The active learning package has been prepared bilingually and contains a teacher's manual, posters, a CD-ROM, a DVD of video clips and online resources (www.coimisineir.ie).

One of the functions of the Office of An Coimisinéir Teanga is the provision of advice or assistance to the public with regard to their language rights. Currently, most young people leave school with little understanding of language rights or of the importance of protecting and promoting our national language. This Office has long been of the opinion that it is important to tackle this lack of understanding at an early stage in their lives rather than waiting until these young people reach maturity, by which time only a limited number may show any interest in the subject.

It is hoped that this educational resource will spark debate among students with regard to language rights and help them to achieve a much better understanding of this important subject. It is hoped also that it will help students to become aware of their identity as citizens of a country with two official languages – Irish and English.

My Office would like to take this opportunity to thank very sincerely all those who helped develop this educational resource as a pilot scheme.

Advice to Public Bodies

The functions of this Office include provision of advice or assistance to public bodies coming under the aegis of the legislation with regard to their obligations under the Official Languages Act.

In 2010, officials from public bodies contacted my Office on 185 separate occasions with specific questions or seeking advice about their language obligations under the Act. Almost half of these queries related to advice sought in relation to the new Regulations on signage, stationery and recorded oral announcements.

My Office published a brochure in 2010 explaining the system used to consider complaints and to conduct investigations. The leaflet entitled *Complaints to the Office of An Coimisinéir Teanga* can be downloaded from the website through the link: www.coimisineir.ie/complaints&investigations.

Undoubtedly, the more clear and accurate the advice and information that is provided to public bodies regarding their obligations under the Act, the easier it will be to ensure compliance with the provisions of the Act.

Website

The website www.coimisineir.ie serves as a comprehensive information point with regard to the Office of An Coimisinéir Teanga, the Official Languages Act and the new Regulations in relation to the use of Irish and English on signage, stationery and recorded oral announcements. A copy is available on the website of all language schemes confirmed under the Act, of all Placenames Orders and other Statutory Instruments made under the Act and of all material published by my Office, including annual reports and summaries of official investigations. In addition, if a member of the public wishes to seek advice or make a complaint, there is an online form available that can be completed and sent electronically to my Office. All pages of the website are, at a minimum, AA accessible.

In the period from the beginning of January 2010 to the end of December 2010, the number of “hits” on the website was 769,791 and the number of individual visits was 98,911.

A Guidebook to the Official Languages Act is available on the website to provide assistance to the public in relation to their language rights and in particular to provide advice to public bodies in relation to their obligations under the Act. The Guidebook explains the Regulations in relation to the use of Irish on stationery, signage and recorded oral announcements. The 68 page bilingual Guidebook is available primarily in electronic format and can be downloaded from the website at www.coimisineir.ie/guidebook. Since its publication in autumn 2008, approximately 3,800 hard copies of the Guidebook have been distributed to public bodies at information sessions and on demand. During 2010,

more than – 7,500 copies of the Guidebook were downloaded from the website – 5,892 from the website in English and 1,762 from the website in Irish.

Media

During 2010, I continued to undertake media interviews in order to provide an insight into the work of the Office, the implementation of the Act, and related matters. I would like to thank all the journalists who showed such an interest in the work of the Office during the year and who helped to progress that work through their reports in English and in Irish.

Prizes of An Coimisinéir Teanga

My Office is associated with the MA degree course in Bilingual Practice in Fiontar in Dublin City University, where the Gold Medal of An Coimisinéir Teanga is presented annually to the graduate who receives the highest marks for their postgraduate thesis.

The 2010 Gold Medal was presented to Muircheartach Ó Séaghdha for his thesis at the graduation ceremony in Fiontar, Dublin City University on 2 November.

The aim of the MA course in Bilingual Practice – under the stewardship of the Director of Fiontar, Dr Peadar Ó Flatharta – is to train people who will work in the public and voluntary sectors in the management and delivery of high quality bilingual customer services, in response to the requirements of the Official Languages Act in particular. This course provides participants with the knowledge and skills necessary to ensure that the public is provided with a high quality bilingual service in accordance with international standards.

An award is also presented annually for the best research essay in the sociolinguistics examination for the BA degree in the National University of Ireland, Galway. An Coimisinéir Teanga's prize for 2010 was presented to Claire Dunne.

MONITORING

Language Schemes

Language schemes are the core mechanism in the legislation to increase the range and standard of services provided in Irish by public bodies. This Office has an important role in ensuring, in far as is practicable, that the statutory commitments given by public bodies in these schemes are fully implemented. Consequently, the compliance resources of my Office are largely dedicated to monitoring the implementation of the provisions contained in the language schemes.

In 2010, my Office conducted a broad programme of language scheme audits. As in previous years, the progress made by public bodies was reviewed once the first year of the scheme had been completed. A more comprehensive audit of each language scheme was conducted at the end of its three year operational period. In these instances, evidence and confirmation were sought which would demonstrate that the commitments, given in the language scheme by the public body, had been fully and properly implemented. In cases where certain elements of the language scheme had not been satisfactorily implemented by the public body, efforts were made to come to an acceptable accommodation in relation to those commitments. In the vast majority of cases, this was achieved.

By the end of 2010, the audit process had been completed in the case of 33 language schemes. 9 of these related to first year reviews and 24 related to third year audits. The audit process indicated that difficulties have arisen in the implementation of certain aspects of the language scheme in the case of 17 of the 24 public bodies, or 71% of the public bodies whose language scheme had reached the conclusion of its 3 year operational period. Although a satisfactory resolution was achieved in most instances, there was no choice but to resort to the formal investigative process in the case of two public bodies. Additionally, in the case of three language schemes, this Office was not in a position to verify that these schemes were fully implemented at the end of their operational period.

The audits indicated common themes with regard to the commitments which were not implemented by the various public bodies, most notably, the availability of application forms, information leaflets, websites, online services, and of counter or interpersonal services in Irish or in bilingual format.

It is very apparent that some public bodies had a greater difficulty than previously in ensuring compliance with commitments relating to the provision of interpersonal services through Irish. In certain cases, public bodies admitted that they were unable to comply with commitments of this kind and that they could do very little to resolve the matter in the short-term. In all such cases they indicated that the shortage or complete absence of staff with sufficient competency in Irish was the root cause of the public body's inability to provide interpersonal services in Irish. Because of the current recruitment moratorium

in the public sector and the existing lack of staff with proficiency in Irish available to the public bodies, it is difficult to achieve a satisfactory resolution to this problem.

As a result of instances of non-compliance relating to this matter, my Office was unable to verify in the case of three language schemes that these schemes were fully implemented at the end of their operational periods. These schemes will continue to be reviewed even though no satisfactory resolution is envisaged in the short-term.

Reviews completed and reports issued 2010

Ainm an Chomhlachta Phoiblí	Name of Public Body
Oifig an Ard-Reachtair Cuntas & Ciste	Office of the Comptroller & Auditor General
Coiste Gairmoideachais Chontae Chorcaí	County Cork Vocational Education Committee
An Binse Comhionannais	The Equality Tribunal
Dánlann Náisiúnta na hÉireann	National Gallery of Ireland
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	Companies Registration Office & Registry of Friendly Societies
Coiste Gairmoideachais Chontae an Chláir	County Clare Vocational Education Committee
Foras na Mara	Marine Institute
Údarás Áitiúla Chontae an Chabháin	Cavan Local Authorities
An Roinn Turasóireachta, Cultúir & Spóirt	Department of Tourism, Culture & Sport
Údarás Áitiúla na Mí	Meath Local Authorities
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádurtha	Department of Communications, Energy & Natural Resources
An Roinn Gnóthaí Eachtracha	Department of Foreign Affairs
Coláiste na hOllscoile, Corcaigh	University College Cork
Comhairle Contae Átha Cliath Theas	South Dublin County Council
Údarás Áitiúla Mhaigh Eo	Mayo Local Authorities
Comhairle Contae Liatroma	Leitrim County Council
An Bord Seirbhísí Ríomhaire Rialtais Áitiúil	Local Government Computer Services Board
An Roinn Cosanta	Department of Defence
Oifig an Choimisinéara Cosanta Sonraí	Office of the Data Protection Commissioner
An tÚdarás Clárúcháin Maoine	Property Registration Authority
An Foras Riaracháin	Institute of Public Administration
Coimisiún Forbartha an Iarthair	Western Development Commission
An Bord Seirbhísí Bainistíochta Rialtais Áitiúil	Local Government Management Services Board
An Roinn Iompair	Department of Transport
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee
Oifig na nOibreacha Poiblí	Office of Public Works
An Bord um Chúnaimh Dlíthiúil	Legal Aid Board
An Roinn Coimirce Sóisialaí	Department of Social Protection
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee
Údarás Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities & County Tipperary Joint Libraries Committee
Oifig an Ard-Aighne; Oifig na nDréachtóirí Parlaiminte don Rialtas; Oifig an Phríomh-Aturnae Stáit	Office of the Attorney General; Office of the Parliamentary Counsel to the Government; Chief State Solicitor's Office
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council
Údarás Áitiúla an Chláir	Clare Local Authorities

Telephone Service

As part of the 2010 audit programme, it was decided that commitments in language schemes relating to the provision of telephone services through Irish would be tested directly. Previously my Office relied, to a large extent, on the receipt of confirmation from the public bodies that such services were available. It was decided to test the commitments given in language schemes that had been agreed in 2005 and 2006 and had, therefore, been operated by the relevant public bodies for at least four years. As this was the first time that such a monitoring process had been undertaken, public bodies were made aware of the fact that such an audit would take place, but the specific audit dates were not indicated.

For the most part, the commitments given in this area related to the provision of basic switchboard services in Irish including:

- giving the name of the public body in Irish,
- the ability of the switchboard operator to use basic greetings in Irish, and
- having arrangements in place to transfer calls to a member of staff with Irish.

In certain instances, a commitment had been made that specific units or departments would provide a telephone service in Irish.

The audit was conducted during the months of November and December 2010 with telephone calls being made to public bodies on three separate dates during that period. The result of the audit is as follows:

	Amount	Percentage
Full compliance with scheme's commitments	47	43%
Partial compliance with scheme's commitments	31	29%
In breach of the scheme's commitments	30	28%
Total calls	108	

The results of this audit indicate that the most basic interpersonal services through Irish were not available in the case of more than a quarter of the total calls made. Often, public bodies managed to comply partially with the commitments they had given but in general terms this amounted to no more than the provision of the name of the public body in Irish and English. This is a matter of some concern, particularly considering that the language schemes in question had been agreed for more than four years and that the public bodies were given prior notification of the audit.

In total, 10 public bodies out of the 36 tested complied completely with the commitments given in their language scheme in relation to telephone services, each time they were called. At the same time, 3 public bodies breached all of their commitments in relation to telephone services each time they were called. This indicates that the majority of public

bodies comply with certain elements of their commitments, at certain times, but that one cannot rely on the regular availability of such services as part of normal practice.

The main difficulty encountered was that the switchboard operators were unable to manage the most basic greetings in Irish. This resulted in the switchboard operator resorting to English when replying to a question asked in Irish. In certain instances it was apparent that the public bodies had difficulty sourcing a member of staff with sufficient Irish to deal with a query. This meant that those wishing to access a service through Irish were faced with an undue delay. Based on the results of this audit, it would be difficult for a member of the public to be confident that a request for a service in Irish would find the same level of service as a request for a service in English.

It is worth noting that the service available from the 10 public bodies that complied with their commitments each time they were called was of a very high standard indeed. For the most part, those switchboard operators had a good level of proficiency in Irish and were able to deal satisfactorily with the query or at least were able to transfer the call to a member of staff who could deal with the query in Irish.

Public bodies who regularly breached the commitments in their scheme were contacted and proposals were sought which would address the issue of non-compliance in a satisfactory manner. Any proposals made by the public bodies will be assessed during 2011 with a view to achieving improvements during this period.

Monitoring of the implementation of the recommendations of investigations

Background

After a reasonable period of time has passed, if An Coimisinéir Teanga is of the opinion that the recommendations of an investigation are not being implemented by a public body, he or she has the right to provide a report on the matter to both Houses of the Oireachtas.

Continuing with the audit programme which began last year, a decision was made to monitor the way in which public bodies implemented the recommendations that stemmed from investigations conducted in 2009.

Audit Methodology

The audit was conducted by:

- (1) Examining the investigation files and collating any correspondence and confirmation which followed the investigation.
- (2) Issuing a letter to the head of public body requesting further information, confirmation and evidence as required.
- (3) In particular cases, organising a meeting with the public body to receive further clarification and information.

Results

In general, this Office was satisfied with the way public bodies were implementing the recommendations resulting from investigations.

Report to the Houses of the Oireachtas

After a reasonable period of time has passed, if An Coimisinéir Teanga is of the opinion that any recommendations contained in an investigation report are not being implemented by a public body, he has the right to provide a report to both Houses of the Oireachtas.

In the case of the Health Service Executive, this Office formed the view that recommendations contained in two investigative reports were not being implemented satisfactorily. These investigations related to:

1. The implementation of the language scheme agreed by the Health Service Executive for the Western Region, and
2. The use of the official languages in signage and communications in an information campaign initiated by the Health Service Executive in relation to swine flu.

The investigation report in relation to the implementation of the Executive's language scheme was issued on 9 March 2009. The investigation report in relation to the use of the official languages in signage and communications initiated by the Executive in relation to swine flu was issued on 11 June 2009.

As a result of the non-compliance by the Executive, a report is being prepared by this Office and will be presented to each House of the Oireachtas in accordance with section 26(5) of the Official Languages Act. This is the first time that such a report will be required to be presented by my Office to the Houses of the Oireachtas.

LANGUAGE SCHEMES

Schemes confirmed

During 2010, the Minister for Community, Equality and Gaeltacht Affairs confirmed 5 new language schemes covering 10 public bodies. In addition, the Minister confirmed the second language schemes of 10 public bodies. As a result, by the end of 2010, 105 language schemes in total covering 191 public bodies had been confirmed.

Schemes expired

Of the 105 language schemes, 51 had expired by year end which meant that no additional commitments in relation to improved services in Irish were required of those public bodies in the absence of a second language scheme.

Draft schemes

Some 26 first draft schemes were still to be confirmed by the Minister for Community, Equality and Gaeltacht Affairs at year end. In addition, the Minister had requested 54 public bodies to prepare a second draft scheme.

Bliain inar daingníodh an chéad Scéim Teanga		
Bliain	Scéimeanna	Comhlachtaí Poiblí san Áireamh
2004	01	01
2005	22	35
2006	18	36
2007	29	55
2008	15	28
2009	15	26
2010	05	10
Iomlán	105	191

Year in which first Language Scheme was confirmed		
Year	Schemes	Public Bodies Included
2004	01	01
2005	22	35
2006	18	36
2007	29	55
2008	15	28
2009	15	26
2010	05	10
Total	105	191

An chéad dréachtscéim fós le daingniú		
Bliain	Dréacht-scéimeanna	Comhlachtaí Poiblí san Áireamh
2005	16	25
2006	71	129
2007	42	79
2008	30	54
2009	31	43
2010	26	34

First draft scheme to be confirmed		
Year	Draft Schemes	Public Bodies Included
2005	16	25
2006	71	129
2007	42	79
2008	30	54
2009	31	43
2010	26	34

An dara dréachtscéim fós le daingniú		
Bliain	Dréacht-scéimeanna	Comhlachtaí Poiblí san Áireamh
2007	20	33
2008	22	35
2009	48	84
2010	54	104

Second draft scheme to be confirmed		
Year	Draft Schemes	Public Bodies Included
2007	20	33
2008	22	35
2009	48	84
2010	54	104

Léirmheasanna / Iniúchtaí Críochnaithe		
Bliain	Scéimeanna	Comhlachtaí Poiblí san Áireamh
2006	09	16
2007	25	43
2008	42	74
2009	39	73
2010	33	50
Iomlán	148	256

Reviews / Audits Completed		
Year	Schemes	Public Bodies Included
2006	09	16
2007	25	43
2008	42	74
2009	39	73
2010	33	50
Total	148	256

Schemes confirmed by the end of 2010

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta tosaithe na chéad scéime / an dara scéim. Commencement date of first scheme / of second scheme.
An Roinn Gnóthaí Pobail, Comhionannais & Gaeltachta	Department of Community, Equality & Gaeltacht Affairs	22/09/2004 30/06/2009
Oifig an Uachtaráin	Office of the President	28/04/2005
Oifig an Choimisiúin um Cheapacháin Seirbhíse Phoiblí	Office of the Commission for Public Service Appointments	30/05/2005 11/05/2009
An Roinn Turasóireachta, Cultúir & Spóirt	Department of Tourism, Culture & Sport	01/07/2005 20/04/2009
Oifig an Stiúrthóra Ionchúiseamh Phoiblí	Office of the Director of Public Prosecutions	01/07/2005 20/04/2010
An Chomhairle Ealaíon	The Arts Council	01/07/2005
Oifig an Ombudsman & Oifig an Choimisinéara Faisnéise	Office of the Ombudsman & Office of the Information Commissioner	01/07/2005
Coiste Gairmoideachais Chontae Dhún na nGall	County Donegal Vocational Educational Committee	01/07/2005 22/09/2009
Údarás Áitiúla Chiarraí	Kerry Local Authorities	26/07/2005 26/10/2010
An tSeirbhís Chúirteanna	The Courts Service	31/07/2005
Údarás Áitiúla Chontae Phort Láirge	Waterford County Local Authorities	01/08/2005
An Roinn Comhshaoil, Oidhreachta & Rialtais Áitiúil	Department of the Environment, Heritage & Local Government	15/08/2005 20/07/2009
Údarás Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	23/08/2005
Roinn an Taoisigh	Department of the Taoiseach	01/09/2005 21/12/2009
Feidhmeannacht na Seirbhíse Sláinte, Limistéar an Iarthair	Health Service Executive, Western Area	01/09/2005
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	19/09/2005
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	Galway-Mayo Institute of Technology	28/09/2005
Oifig na gCoimisinéirí Ioncaim	Office of the Revenue Commissioners	01/10/2005
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway	01/10/2005
Údarás Áitiúla Dhún na nGall	Donegal Local Authorities	01/10/2005 01/07/2010
An tSeirbhís um Cheapacháin Phoiblí	Public Appointments Service	03/10/2005
An Roinn Oideachais & Scileanna	Department of Education & Skills	01/12/2005
An Roinn Airgeadais	Department of Finance	01/02/2006
Ollscoil Chathair Bhaile Átha Cliath	Dublin City University	03/04/2006
Seirbhís Oideachais Chontae Chiarraí	Kerry Education Service	15/05/2006 25/10/2010
An Roinn Talmhaíochta & Bia	Department of Agriculture & Food	01/06/2006
Ollscoil Luimnigh	University of Limerick	01/06/2006 29/12/2009
An Roinn Dlí & Cirt & Athchóirithe Dlí	Department of Justice & Law Reform	30/06/2006
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	13/07/2006
Coiste Gairmoideachais Chontae na	County Galway Vocational	01/08/2006 28/06/2010

Gaillimhe	Education Committee		
Óglaigh na hÉireann	The Defence Forces	01/09/2006	22/12/2010
Comhairle Cathrach na Gaillimhe	Galway City Council	01/09/2006	23/12/2009
Údarás Áitiúla na Mí	Meath Local Authorities	01/09/2006	
Údarás Áitiúla Fhine Gall	Fingal Local Authorities	01/10/2006	
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádúrtha	Department of Communications, Energy & Natural Resources	02/10/2006	
An Roinn Gnóthaí Eachtracha	Department of Foreign Affairs	01/12/2006	
Banc Ceannais na hÉireann	Central Bank of Ireland	01/12/2006	
Coláiste na hOllscoile, Corcaigh	University College Cork	01/12/2006	
Comhairle Contae Átha Cliath Theas	South Dublin County Council	20/12/2006	
Údarás Áitiúla Mhaigh Eo	Mayo Local Authorities	22/12/2006	
Comhairle Contae Liatroma	Leitrim County Council	01/01/2007	
An Bord Seirbhísí Ríomhaire Rialtais Áitiúil	Local Government Computer Services Board	02/01/2007	
An Roinn Cosanta	Department of Defence	26/02/2007	25/10/2010
Oifig an Choimisinéara Cosanta Sonraí	Office of the Data Protection Commissioner	01/04/2007	18/10/2010
An tÚdarás Clárúcháin Maoine	Property Registration Authority	02/04/2007	
An Foras Riaracháin	Institute of Public Administration	10/04/2007	
Coimisiún Forbartha an Iarthair	Western Development Commission	10/04/2007	
An Bord Seirbhísí Bainistíochta Rialtais Áitiúil	Local Government Management Services Board	23/04/2007	
An Roinn Iompair	Department of Transport	30/04/2007	
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee	30/04/2007	
Oifig na nOibreacha Poiblí	Office of Public Works	08/05/2007	
An Bord um Chúnamh Dlíthiúil	Legal Aid Board	28/05/2007	
An Roinn Coimirce Sóisialaí	Department of Social Protection	01/06/2007	
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee	01/06/2007	
Údarás Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities & County Tipperary Joint Libraries Committee	01/06/2007	
Oifig an Ard-Aighne; Oifig na nDréachtóirí Parlaiminte don Rialtas; Oifig an Phríomh-Aturnae Stáit	Office of the Attorney General; Office of the Parliamentary Counsel to the Government; Chief State Solicitor's Office	20/06/2007	18/10/2010
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council	01/07/2007	
Údarás Áitiúla an Chláir	Clare Local Authorities	20/08/2007	
An Bord Pleanála	An Bord Pleanála	01/09/2007	
Institiúid Teicneolaíochta Leitir Ceanainn	Letterkenny Institute of Technology	26/09/2007	
Coiste Gairmoideachais Chathair Bhaile Átha Cliath	City of Dublin Vocational Education Committee	01/10/2007	15/11/2010
Údarás Áitiúla Chorcaí	Cork Local Authorities	01/10/2007	
Comhairle Cathrach Luimnigh	Limerick City Council	01/10/2007	
Údarás Áitiúla Ros Comáin	Roscommon Local Authorities	01/10/2007	
Údarás Áitiúla na hIarmhí	Westmeath Local Authorities	01/10/2007	
Comhairle Cathrach Chorcaí	Cork City Council	31/10/2007	
Coláiste Oideachais Eaglais na hÉireann	Church of Ireland College of Education	01/11/2007	

An Phríomh-Oifig Staidrimh	Central Statistics Office	05/11/2007
Údaráis Áitiúla Lú	Louth Local Authorities	20/11/2007
Teagasc	Teagasc	01/01/2008
An Foras Áiseanna Saothair (FÁS)	The Training and Employment Authority (FÁS)	02/01/2008
An Crannchur Náisiúnta	The National Lottery	02/01/2008
Comhairle Contae Luimnigh	Limerick County Council	01/02/2008
An Coimisiún Reifrinn	The Referendum Commission	06/03/2008
Bord Soláthair an Leictreachais	Electricity Supply Board	17/03/2008
An tÚdarás um Ard-Oideachas	Higher Education Authority	01/06/2008
Údaráis Áitiúla Chontae Mhuineacháin	Monaghan Local Authorities	01/06/2008
Comhairle Cathrach Phort Láirge	Waterford City Council	01/06/2008
Leabharlann Chester Beatty	Chester Beatty Library	15/06/2008
Údaráis Áitiúla an Longfoirt	Longford Local Authorities	01/07/2008
An Bord um Fhaisnéis do Shaoránaigh	Citizens Information Board	07/07/2008
Oifig an Stúirthóra um Fhorfheidhmiú Corparáideach	Office of the Director of Corporate Enforcement	14/07/2008
Údaráis Áitiúla Chontae Chill Dara	Kildare Local Authorities	08/09/2008
Coiste Gairmoideachais Chontae Átha Cliath	County Dublin Vocational Education Committee	01/10/2008
Údaráis Áitiúla Cheatharlach	Carlow Local Authorities	01/10/2008
Oifig an Ard-Reachtaire Cuntas & Ciste	Office of the Comptroller & Auditor General	19/01/2009
Coiste Gairmoideachais Chontae Chorcaí	County Cork Vocational Education Committee	01/02/2009
An Binse Comhionannais	The Equality Tribunal	01/02/2009
Gaillearaí Náisiúnta na hÉireann	National Gallery of Ireland	01/03/2009
Bord Scannán na hÉireann	Irish Film Board	27/04/2009
An Garda Síochána	An Garda Síochána	28/05/2009
Údaráis Áitiúla Chill Mhantáin	Wicklow Local Authorities	25/05/2009
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	Companies Registration Office & Registry of Friendly Societies	26/05/2009
Coiste Gairmoideachais Chontae an Chláir	County Clare Vocational Education Committee	01/07/2009
Foras na Mara	Marine Institute	06/07/2009
Údaráis Áitiúla Chontae an Chabháin	Cavan Local Authorities	20/07/2009
Comhairlí Contae & Cathrach Chill Chainnigh	Kilkenny County & City Councils	10/08/2009
Údaráis Áitiúla Chontae Laoise	Laois Local Authorities	01/12/2009
An Roinn Sláinte & Leanaí	Department of Health & Children	15/12/2009
Coláiste na Tríonóide, Baile Átha Cliath	Trinity College Dublin	01/01/2010
Údaráis Áitiúla Loch Garman	Wexford Local Authorities	11/01/2010
Údaráis Áitiúla Shligigh	Sligo Local Authorities	28/07/2010
Institiúid Teicneolaíochta Thrá Lí	Institute of Technology Tralee	18/10/2010
Institiúid Teicneolaíochta Dhún Dealgan	Dundalk Institute of Technology	18/10/2010
An Roinn Fiontar, Trádála agus Nuálaíochta	Department of Enterprise, Trade & Innovation	25/10/2010

Dréachtscéimeanna le daingniú / Draft Schemes to be confirmed

An dara Scéim / Second Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta a d'Éag* Date Expired*	Tréimhse (míonna) ón Dáta Éaga / Period (months) from Date Expired
Oifig an Uachtaráin	Office of the President	27/04/2008	32
Oifig an Ombudsman & Oifig an Choimisinéara Faisnéise	Office of the Ombudsman & Office of the Information Commissioner	30/06/2008	30
An Chomhairle Ealaíon	The Arts Council	30/06/2008	30
An tSeirbhís Chúirteanna	The Courts Service	30/08/2008	29
Údarás Áitiúla Chontae Phort Láirge	County Waterford Local Authorities	31/07/2008	29
Údarás Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	22/08/2008	28
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	18/09/2008	27
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	Galway-Mayo Institute of Technology	27/09/2008	27
Oifig na gCoimisinéirí Ioncaim	Office of the Revenue Commissioners	30/09/2008	27
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway	30/09/2008	27
An tSeirbhís um Cheapacháin Phoiblí	Public Appointments Service	02/10/2008	27
An Roinn Oideachais & Scileanna	Department of Education & Skills	30/11/2008	25
An Roinn Airgeadais	Department of Finance	31/01/2009	23
Ollscoil Chathair Bhaile Átha Cliath	Dublin City University	02/04/2009	21
An Roinn Talmhaíochta, Iascaigh & Bia	Department of Agriculture, Fisheries & Food	31/05/2009	19
An Roinn Dlí & Cirt & Athchóirithe Dlí	Department of Justice & Law Reform	29/06/2009	18
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	12/07/2009	18
Údarás Áitiúla na Mí	Meath Local Authorities	31/08/2009	16
Údarás Áitiúla Fhine Gall	Fingal Local Authorities	30/09/2009	15
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádurtha	Department of Communications, Energy & Natural Resources	01/10/2009	15
Banc Ceannais na hÉireann	Central Bank of Ireland	30/11/2009	13
An Roinn Gnóthaí Eachtracha	Department of Foreign Affairs	30/11/2009	13
Ollscoil na hÉireann, Corcaigh	University College Cork	30/11/2009	13
Comhairle Contae Bhaile Átha Cliath Theas	South Dublin County Council	19/12/2009	12
Údarás Áitiúla Mhaigh Eo	Mayo Local Authorities	21/12/2009	12
Comhairle Contae Liatroma	Leitrim County Council	31/12/2009	12

An Bord Seirbhísí Ríomhaire Rialtais Áitiúil	Local Government Computer Services Board	01/01/2010	12
An tÚdarás Clárúcháin Maoine	Property Registration Authority	01/04/2010	9
An Foras Riaracháin	Institute of Public Administration	09/04/2010	9
Coimisiún Forbartha an Iarthair	Western Development Commission	09/04/2010	9
An Bord Seirbhísí Bainistíochta Rialtais Áitiúil	Local Government Management Services Board	22/04/2010	8
An Roinn Iompair	Department of Transport	29/04/2010	8
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee	29/04/2010	8
Oifig na nOibreacha Poiblí	Office of Public Works	07/05/2010	8
An Bord um Chúnamh Dlíthiúil	Legal Aid Board	27/05/2010	7
An Roinn Coimirce Sóisialaí	Department of Social Protection	31/05/2010	7
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee	31/05/2010	7
Údarás Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities & County Tipperary Joint Libraries Committee	31/05/2010	7
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council	30/06/2010	6
Údarás Áitiúla an Chláir	Clare Local Authorities	19/08/2010	4
An Bord Pleanála	An Bord Pleanála	31/08/2010	4
Institiúid Teicneolaíochta Leitir Ceanainn	Letterkenny Institute of Technology	25/09/2010	3
Údarás Áitiúla Chorcaí	Cork Local Authorities	30/09/2010	3
Comhairle Cathrach Luimnigh	Limerick City Council	30/09/2010	3
Údarás Áitiúla Ros Comáin	Roscommon Local Authorities	30/09/2010	3
Údarás Áitiúla na hIarmhí	Westmeath Local Authorities	30/09/2010	3
Comhairle Cathrach Chorcaí	Cork City Council	30/10/2010	2
Coláiste Oideachais Eaglais na hÉireann	Church of Ireland College of Education	31/10/2010	2
An Phríomh-Oifig Staidrimh	Central Statistics Office	04/11/2010	2
Údarás Áitiúla Lú	Louth Local Authorities	19/11/2010	1
Teagasc	Teagasc	31/12/2010	0
An Foras Áiseanna Saothair (FÁS)	The Training and Employment Authority (FÁS)	-	0
An Crannchur Náisiúnta	The National Lottery	-	0
Comhairle Contae Luimnigh	Limerick County Council	-	0

* When a scheme “expires” (subsection 15(1) of the Official Languages Act), the scheme’s provisions remain in force until a new scheme has been confirmed (subsection 14(3) of the Act).

Draft Schemes to be confirmed

First Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta an Fhógra / Date Notice Issued	Tréimhse ó Dháta an Fhógra (míonna) / Period Elapsed from Date of Notice (months)
Údarás Áitiúla Thiobraid Árann Theas	South Tipperary Local Authorities	30/07/2006	53
An Ceoláras Náisiúnta	National Concert Hall	21/09/2006	51
Amharclann na Mainistreach (An Chuideachta Amharclann Náisiúnta Teoranta)	Abbey Theatre (National Theatre Society Ltd.)	21/09/2006	51
An tÚdarás Comhionannais	Equality Authority	21/09/2006	51
An Coimisiún um Scrúduithe Stáit	State Examinations Commission	21/09/2006	51
Institiúid Teicneolaíochta Thamhlachta	Institute of Technology, Tallaght	21/09/2006	51
Leabharlann Náisiúnta na hÉireann	National Library of Ireland	27/09/2006	51
Ard-Mhúsaem na hÉireann	National Museum of Ireland	27/09/2006	51
Suirbhéireacht Ordanáis Éireann	Ordnance Survey Ireland	27/09/2006	51
An Chomhairle Oidhreachta	Heritage Council	27/09/2006	51
Údarás Áitiúla Uíbh Fhailí	Offaly Local Authorities	10/06/2007	51
Feidhmeannacht na Seirbhíse Sláinte	The Health Service Executive	10/06/2007	51
An Post	An Post	10/02/2009	23
Coláiste na hOllscoile, Baile Átha Cliath	University College Dublin	10/02/2009	23
Institiúid Teicneolaíochta Chorcaí	Institute of Technology, Cork	10/02/2009	23
Institiúid Teicneolaíochta Bhaile Átha Cliath	Institute of Technology, Dublin	10/02/2009	23
Oifig Thithe an Oireachtais	Office of the Houses of the Oireachtas	11/09/2009	16
Institiúid Teicneolaíochta Shligigh	Institute of Technology, Sligo	05/10/2009	15
Institiúid Teicneolaíochta Bhaile Átha Luain	Institute of Technology, Athlone	05/10/2009	15
Institiúid Teicneolaíochta Phort Láirge	Institute of Technology, Waterford	05/10/2009	15
Coiste Gairmoideachais Chontae Chill Dara	County Kildare Vocational Education Committee	05/10/2009	15
Coiste Gairmoideachais Chontae Chill Mhantáin	County Wicklow Vocational Education Committee	05/10/2009	15
Coiste Gairmoideachais Chontae na Mí	County Meath Vocational Education Committee	05/10/2009	15
Coiste Gairmoideachais Chontae Mhaigh Eo	County Mayo Vocational Education Committee	05/10/2009	15
Raidió Teilifís Éireann	Raidió Teilifís Éireann	05/10/2009	15
An tÚdarás um Bóithre Náisiúnta	National Roads Authority	05/10/2009	15

COMPLAINTS

There was a small increase during 2010 in the number of new cases brought to my attention – 700 in total – in which members of the public considered they had reason to complain because of difficulties or problems associated with obtaining services through Irish from public bodies.

As happened in previous years, most of the complaints were resolved through the informal complaints resolution procedure operated by my Office or through providing advice to the complainants. Summaries of cases which were not resolved in this manner are provided in the next chapter of this Report, entitled “Investigations”. The number of investigations carried out during the year was reduced to 11. It is hoped that the reasons for this are the positive relations my Office has formed with the public bodies and the effectiveness of the informal complaints resolution procedure. Indeed, it could be said that it was not always the most complex or gravest cases which gave rise to investigations but often the informal complaints resolution procedure was able to address those complaints satisfactorily.

It should be noted that not all complaints received during the year referred to breaches of statutory obligations under the Official Languages Act 2003 and, as was the case in previous years, some related to more general difficulties and problems experienced by those attempting to conduct their business through Irish with state organisations.

Amongst the issues which formed the basis of complaints, the largest category (23%) related to the implementation of commitments given by public bodies under statutory language schemes agreed under section 11 of the Act. There was an increase from 18% to 22.5% in the percentage of the complaints relating to the use of Irish on public bodies’ signage and stationery, in accordance with the Regulations under subsection 9(1) of the Act. There was a decrease in the percentage of complaints relating to a breach of the provisions of other enactments which concern the status or use of Irish, from 9% to 4%. Of course, complaints relating to the use of Irish on road signs belongs by right to this category, but this is generally provided as an independent figure, as is the case below.

There was a small decrease in the percentage of complaints regarding problems with the use of names and addresses in Irish, to 9% in 2010. These concerned names and addresses which were spelt incorrectly in Irish, or spelt in English, or where computer systems could not handle the *síneadh fada*. There was a small decrease again in complaints with regard to replies in English to correspondence in Irish, from 9% in 2009 to 5% in 2010. There were also a number of complaints with regard to leaflets or circulars in English only (3%) and Gaeltacht placenames (2%).

17% of the complaints related to the use of Irish on traffic signs – a significant increase on last year. It should be mentioned that the use of Irish on traffic signs is not included in the Regulations under subsection 9(1) of the Official Languages Act. Other statutory provisions which are set out in the *Traffic Signs Manual* place obligations in relation to the use of Irish on traffic signs on the roads authorities.

It was during the year 2009 that it was clarified that my Office has the authority to deal with complaints in relation to the use of Irish on road signs under subsection 21(f) of the Act; this subsection deals with provisions of enactments which relate to the status or use of an official language. My Office provided a specific complaint form during that year to deal with complaints in this area and it would appear that this has influenced the statistics for 2010.

An information leaflet was provided during the current year to give an overview to public bodies and to the public on the Office's complaints and investigations procedures.

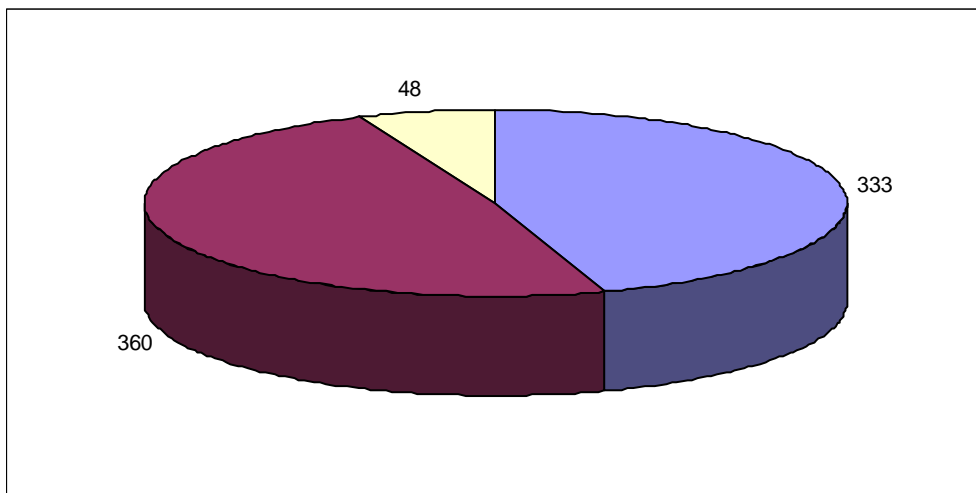
From a geographical perspective, the majority of the complaints came from County Dublin again this year, encompassing 41% of complaints. A significant number of complaints also came from County Clare, (9.5%), County Galway (9%), County Kerry (6%), County Donegal (4%), County Cork (4%) and County Mayo (3%). 18% of the complaints came from Gaeltacht areas and 82% came from outside the Gaeltacht.

COMPLAINTS: PROBLEMS AND DIFFICULTIES – STATISTICS

Complaints in 2010

New complaints 2010	700
Complaints brought forward from 2009	<u>41</u>
Total complaints – problems and difficulties	741

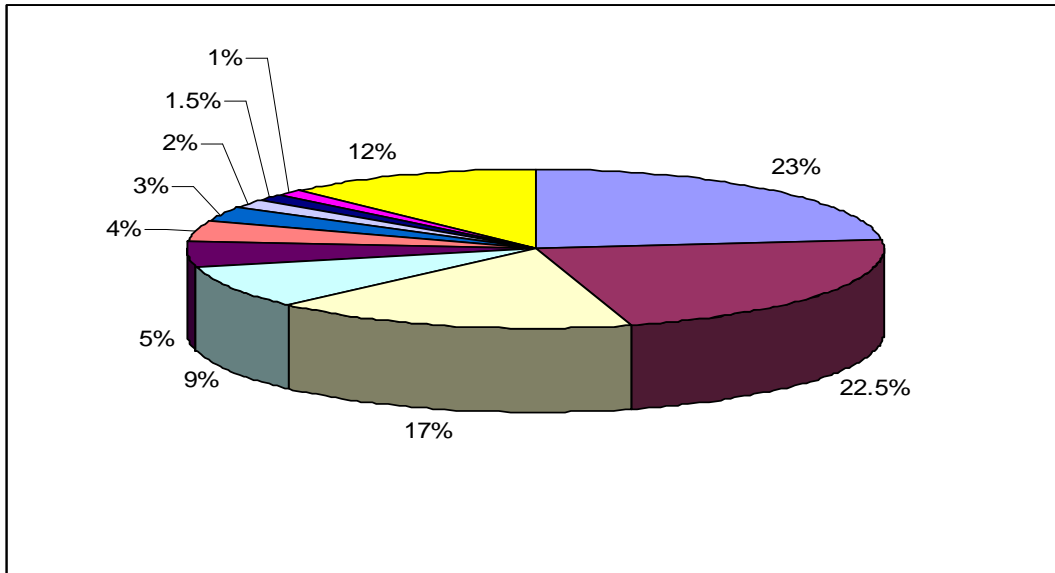
	2009	2010
Advice provided in relation to complaints	409	333
Complaints examined and resolved	255	360
Complaints open at year end	41	48



An analysis of the various cases is provided in the statistics and illustrations which follow:

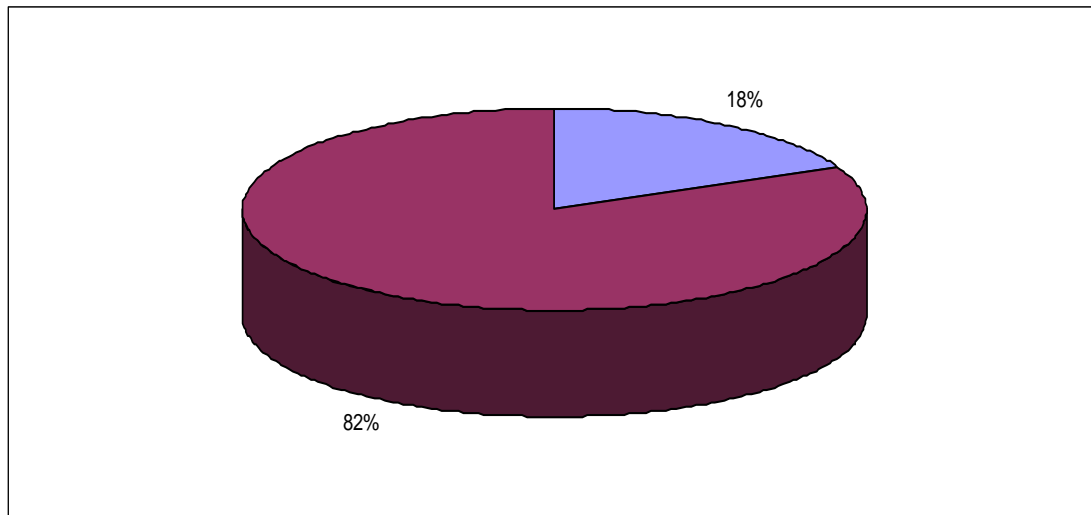
Percentage of complaints by type

	2009	2010
Provision of a language scheme (including identity cards, websites and forms)	28%	23%
Lack of Irish on signage & stationery	18%	22.5%
Lack of Irish on road signs	3%	17%
Problem with use of name and/or address in Irish	10%	9%
Replies in English to correspondence in Irish	9%	5%
Other enactments relating to the use or status of Irish	9%	4%
Leaflets or circulars in English only	8%	3%
Section 32/33 – Gaeltacht placenames	2%	2%
Publications in English only	2%	1.5%
Section 8 – The courts/Administration of justice	1%	1%
Other (individual issues)	10%	12%
TOTAL	100%	100%



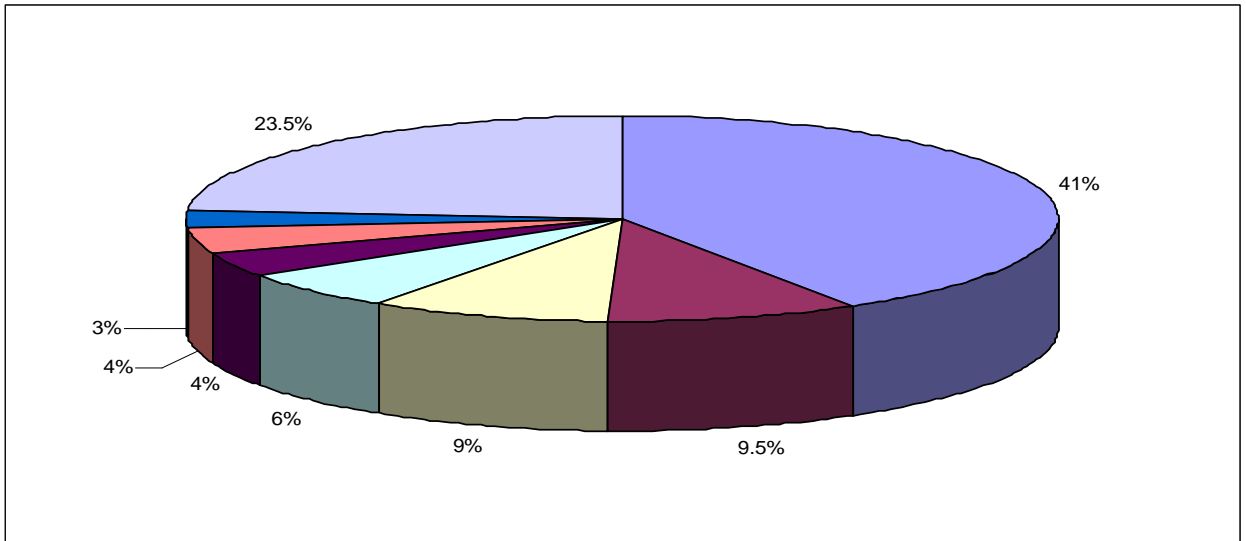
Complaints: Gaeltacht and non-Gaeltacht

	2009	2010
Gaeltacht	24%	18%
Non-Gaeltacht	76%	82%
TOTAL	100%	100%



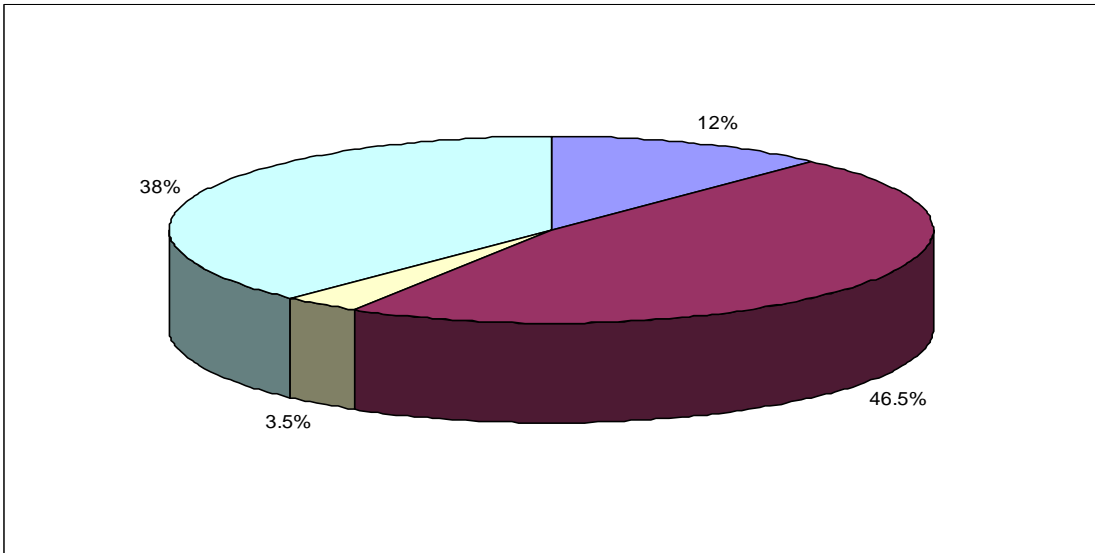
Complaints by county

	2009	2010
Dublin	38%	41%
Clare	7%	9.5%
Galway	16%	9%
Kerry	4%	6%
Donegal	4%	4%
Cork	3%	4%
Mayo	1%	3%
Others	27%	23.5%
TOTAL	100%	100%



Complaints by type of public body

	2009	2010
Government departments & offices	23%	12%
Local authorities	36%	46.5%
Health authorities	11%	3.5%
Other state organisations	30%	38%
TOTAL	100%	100%



INVESTIGATIONS

An investigation is an official enquiry carried out on a formal statutory basis in accordance with the provisions of the Official Languages Act. As Coimisinéir Teanga, I have been given the relevant authority and powers under the Act to carry out investigations, not only in cases where I suspect that public bodies have failed to comply with their statutory obligations under the Act, but also under any other enactments which relate to the status or use of Irish.

An investigation may be conducted based on a complaint from an individual, on the request of the Minister for Community, Equality and Gaeltacht Affairs, or on my own initiative.

The investigation process is a formal procedure, the completion of which may require a substantial amount of time and resources from both the public body concerned and my Office. As a result of this, efforts are usually made to resolve the complaint in the first instance through the informal complaints procedure operated by the Office.

Public bodies and individuals who are officials of public bodies have a statutory obligation to cooperate with the investigation and to provide me with information or records they may have which relate to the subject of the investigation. A written report on the matter is usually requested from the public body also. If I require any person to attend before me to provide information orally, such a person is entitled to the same immunities and privileges as a witness before the High Court.

The Act provides for a fine not exceeding €2,000 and/or imprisonment for a term not exceeding 6 months for a person convicted of failing or refusing to cooperate with an investigation or who hinders or obstructs such an investigation.

An investigation may be conducted in cases where it is alleged that a public body failed to comply with its statutory obligations in respect of:

- Direct provisions of the Act,
- Regulations made under the Act,
- A language scheme confirmed under the Act,
- Any provision of any other enactment relating to the status or use of Irish.

An “enactment” is defined as a statute or an instrument made under a power conferred by a statute.

I am statutorily obliged under the Act to issue a report to the relevant parties in cases where I have conducted an investigation. My decision on the complaint and the relevant recommendations are included in that report. An appeal can be made to the High Court on a point of law against the decision within a period of four weeks.

A total of 11 new investigations were launched in 2010. One uncompleted investigation was carried forward from 2009. Consequently, there were 12 investigations in hand

during 2010 and one of those investigations had not been completed by the end of the year. Therefore, summaries are provided in this Report of 11 investigations.

Number of Investigations	2009	2010
Brought forward from previous year	2	1
Investigations launched	<u>17</u>	<u>11</u>
Total in hand	19	12
Brought forward to next year	<u>1</u>	<u>1</u>
Total completed / discontinued	18	11

It should be clearly understood that these summaries of investigations are merely condensed accounts of the actual investigations – cases which were at times of a complex and technical nature and which were often based on legal and practical arguments. They are summaries of the official reports issued in accordance with section 26 of the Act to the relevant parties in Irish as a result of the investigations.

It is in those official reports, and in those reports alone, that the authoritative accounts of investigations may be found.

SUMMARIES OF 2010 INVESTIGATIONS

Clare County Council

An investigation found that Clare County Council breached the statutory obligation outlined in subsection 10(a) of the Official Languages Act 2003, when it published the Draft Clare County Development Plan 2011-2017 in English only. It also showed this statutory contravention happened despite the fact that the Council was fully aware that its proposed course of action would not comply with the requirements which the Oireachtas had confirmed in law.

The investigation arose from two complaints in February 2010 which indicated that no Irish language version of the Draft Clare County Development Plan 2011-2017 was available, although an English language version had already been published.

Public bodies have a duty to publish certain core documents simultaneously in Irish and English and this includes any document setting out public policy proposals. There is a specific provision in the appropriate regulations (S.I. 32 of 2004) with regard to the simultaneous publication, in Irish and English, of local authority draft development plans.

It was clear that the Council understood its responsibilities when it wrote to the Office of An Coimisinéir Teanga on the 4 November 2009 indicating that, due to a lack of resources, it did not intend to publish an Irish language version of its Draft Plan. In reply to that letter, An Coimisinéir Teanga cautioned the Council clearly that its proposed course of action was unacceptable and that an investigation would inevitably ensue if the Council proceeded in this manner. Indeed, there was a reference in a national newspaper on October 15th 2009 to a statement from a named official in the Council who said:

“The office of An Coimisinéir Teanga has confirmed to the council that all documents which set out public policy proposals should be available to the public in both Irish and English. This would include both the draft and final versions of all area plans and the county development plan.”

The Council said in its first reply to the investigation that the Draft County Development Plan had been produced internally for the most part as this was considered the most efficient method from an expenditure point of view. It indicated initially to the investigation that the total budget to be spent on the preparation of the Draft Plan in English was €53,000.

Later, however, as a result of further probing during the investigation, a revised picture of the estimated cost of preparing the Draft Plan in English emerged. The Council confirmed that the estimated total overall cost of preparing the Draft Plan was €361,868, with €10,112 of that sum to be spent on its translation into Irish.

The Council confirmed that work had been ongoing on the Draft Plan since February 2009 but, apart from an initial request for a general estimate for the translation work, it

had not sought tenders for its translation into Irish until December of that year. The Council indicated that the Irish language version would be available on 4 May 2010.

Reference is made at times to a lack of demand for services and documents in Irish. The investigation did not believe that any realistic measure could be made of the level of demand if the material was not available simultaneously and to the same standard in both official languages. It was not sufficient to say, as evidence for a lack of demand, that there was no sale of copies of the documents in Irish at a cost of €50 each without indicating that the same documents were available free of charge in Irish and English on the Council's web site.

The investigation considered that the contravention of a statutory obligation, in this case, was the one of the most significant and one the most serious made in relation to a provision of the Official Languages Act 2003 since that Act was ratified by the Houses of the Oireachtas and signed into law by Uachtarán na hÉireann.

There was one simple reason for this: the Council decided to disregard a statutory obligation confirmed in law by the Oireachtas in the full knowledge and understanding that it was acting in breach of legislation. The decision not to comply with this law was akin to an insult to the right of members of the Oireachtas to enact the law of the land. There could be no excuse made in this instance that the obligation was not understood since clear guidance, in writing, had been received in advance by the County Council advising that its proposed action was not acceptable.

The preparation of a draft development plan is a statutory process and legislation requires that the draft plan is published simultaneously in each of the official languages, Irish and English, "*notwithstanding any other enactment...*"

It could not be argued that the strict statutory process had been complied with in this instance and, therefore, the investigation did not believe that any guarantee could be given in relation to the validity of the Draft Plan, the English version of which was estimated to have cost more than a third of a million euro.

The Council provided an Irish language version of the Draft Plan during the investigation at a time when it was too late for it to fulfil its statutory obligations correctly and when the document was of limited use to any section of the public for whom Irish was their language of choice.

The cost of providing the Irish version (2.7%) was a small element of the true cost of the total project. But a newspaper report published while the investigation process was ongoing did not mention the correct figure of approximately €10,000 as a cost of the Irish version, instead giving a purely speculative cost of €36,000; no mention was made in the newspaper report of the cost of more than a third of a million euro for the preparation of the Draft Plan in English.

The Council did not save a cent of the overall cost by providing the Irish language version in this manner. However, it left itself in a situation where it had a Draft Plan the validity of which could not be fully guaranteed as it had knowingly failed to prepare the Draft Plan in full compliance with its statutory obligations under an Act of the Oireachtas.

Investigation launched: 24 February 2010

Report issued: 01 July 2010

The Department of Education and Skills

An investigation found that the Department of Education and Skills contravened a provision of the Education Act 1998 by providing the websites www.scoilnet.ie, www.webwise.ie, www.juniorscience.ie, www.slss.ie and www.thinkb4uclick.ie in English only.

The Education Act [subsection 7(2)(d)] obliges the Minister for Education and Skills to provide certain “support services” in Irish to recognised schools that teach through Irish and to any other recognised school that requests such provision.

Five complaints were made to the Office of An Coimisinéir Teanga with regard to these websites and other related material (newsletters and an information seminar) which was provided primarily in English.

The Department’s position as outlined to the investigation was that it did not accept that subsection 7(2)(d) of the Education Act obliged the Minister to provide every support service through Irish; it said, “*The Minister may form a reasonable opinion with regard to the support services that should be provided through Irish, in light of the provisions of Sections 6 and 7 of the Act.*” (translation)

A similar argument had been made by the Department in previous investigations and in those cases An Coimisinéir Teanga provided an interpretation of the statutory provision in subsection 7(2)(d) of the Act. Summaries of those investigations are available in the annual reports published by this Office since 2007.

In this case the Department said:

“The provision of support services is a Ministerial function (rather than a duty). In that regard, it is unavoidable that many competing demands will be made on the Minister. It is a matter for the Minister, and for the Minister alone, to resolve those competing demands and to decide which educational and support services will be provided. In this case, the Minister has no option but to make a choice.” (translation)

It appeared to the investigation that the Minister certainly had discretion in regard to decisions generally about the provision of support services under subsections 7(1)(a) agus 7(2)(a) in accordance with the available resources (subsection 7(4)(a)(i)).

However, it appeared to the investigation that if the Minister decides to supply certain support services under those subsections then the Minister has no choice but to provide the same services in Irish in accordance with subsection 7(2)(d). The phrase “*and to any other recognised school which requests such provision*” reinforces this argument as it shows that the Oireachtas wished that the support services be available in Irish to any school that seeks them.

This position echoes the interpretation and decisions made in the relevant investigations earlier.

The Department suggested to the investigation that there should be no interference with any decision of the Minister in relation to the supply of support services unless that decision was “*arbitrary, capricious, irrational or, unreasonable.*” (translation)

The investigation considered that it would undoubtedly be arbitrary, capricious, irrational and unreasonable to refuse to supply the support services in Irish to schools teaching through Irish when those same support services were freely available in English to schools teaching through English.

The Department referred to the question of resources. The investigation accepted that the Department’s resources are indeed limited, now more than ever. However, the development of the websites and other support services, which formed the basis of this investigation, took place in advance of the current economic recession. They were made available at a time when adequate money appeared to be available but nonetheless they were developed in English only or predominantly in English.

In light of the Department’s arguments in relation to costs and in relation to restraints on public expenditure and recruitment of staff, but without prejudice to the totality of Department’s duty under subsection 7(2)(d) of the Education Act, An Coimisinéir Teanga made recommendations that would give the Department an opportunity to spread any costs, arising from compliance with its statutory obligations, over a period of time.

An Coimisinéir Teanga recommended that **half** of the material provided in English on each of the relevant websites be made available in Irish also **before the end of the year 2011** and that a **complete version** of the material available in English be provided in Irish **by the end of the year 2012**. He also recommended that the Department ensure that each time a new website is provided, as a support service of the sort at issue here, an Irish language version is provided simultaneously. In addition, he recommended the provision of an Irish language/bilingual version of any electronic newsletter issued as a support service and also that any seminar, provided as a support service, should be organized in as timely a manner in Irish as in English.

Investigation launched: 2 June 2010

Report issued: 12 August 2010

Dublin City Council

An investigation showed that the new directional signage for pedestrians introduced by Dublin City Council contravened a statutory language obligation as the text in Irish was not as prominent, visible and legible as the text in English. This requirement is confirmed in statutory regulations made under section 9(1) of the Official Languages Act 2003.

The investigation was launched as a result of a complaint made in August 2010 alleging that the new signage system did not comply with the Regulations.

The City Council explained to the investigation that it had been its firm intention, right from the start of the project, to ensure that the text in Irish was as prominent, visible and legible as the text in English on every finger post sign and that this objective was a precondition of their arrangements with the design company. The City Council was of the opinion that it had succeeded in achieving this objective.

The City Council confirmed in reply to questions from the investigation that it had not given a formal instructional memo on the design of the signs to the design company but that *“a series of meetings, organised as workshops, had taken place”*. (translation)

It appeared that emphasis had been placed on the requirements in the language regulations during the negotiations and meetings with the design company. The investigation was in doubt, however, as to the level of success of these efforts in giving the design company and access experts a clear understanding of the statutory language requirements. The investigation took note of a report from the access experts submitted to the investigation by the City Council which said that *“We recognise that Gaelic must be given equal prominence with English. We suggest that this is very easily achieved by putting the Gaelic first.”*

As two distinct provisions are in place – subsection 7(2)(a) which directs that the text in Irish must appear first, and subsection 7(2)(b) which directs that the text in Irish must be as prominent, visible and legible as the text in English – the investigation did not believe that simply putting Irish first was sufficient to ensure compliance with the regulations.

It could be inferred also, from the information in the report of the expert advisors, that they lacked detailed knowledge of the legislative background in Ireland since references were made to the necessity to comply with the provision of the Disability Discrimination Act (DDA). While the investigation recognised the crucial importance of ensuring that the signs catered correctly for the needs of people with disabilities, especially those with

impaired sight, it considered that this should be done in accordance with Irish laws and guidelines rather than with the statutory provisions of another jurisdiction.

Dublin City Council maintained that the choice of colour for the text in Irish (silver grey) was as prominent, visible and legible as that for the text in English (white).

An Coimisinéir Teanga studied pictures of the signs closely and also examined the signs *in situ* on Dame Street, close to Dublin Castle.

He was in no doubt that the text in Irish was **not** as prominent, visible and legible as the text in English – a conclusion he identified as a finding of fact in the investigation. In addition, the choice of the colour white for the directional arrows on the signs emphasised the text in English and increased the prominence and the visibility of that text.

The investigation considered that if Dublin City Council was of the opinion that the two versions – English and Irish – were of equal standing then there was a simple solution to the problem: why not exchange the colours so that the Irish text would be in white and the English in silver grey?

In reply to this question, the City Council said that it would be difficult to exchange the colours at this stage, that a lot of time had been spent choosing the colours and that experts had advised that they were equally legible for people with impaired sight.

Changing the 683 signs already prepared would involve delay and increased costs of approximately €39,898.00 (plus VAT @ 21%).

While An Coimisinéir Teanga was in no doubt that these directional signs contravened the statutory provision in subsection 7(2)(b) of the Regulations (S.I. No. 391 of 2008), he had misgivings about whether the benefit accruing to the Irish language would be sufficient to justify the additional cost involved, in light of the current economic climate.

Notwithstanding the City Council's failure in this instance and without prejudice to the obligation which the investigation considered existed in this case, it was decided that the resulting benefit to the Irish language would not be sufficient to justify the cost of amending all the signs to make them compliant with the legislation. The investigation report, however, stated that the City Council should be under no misapprehension: the directional signs do not comply fully and properly with the statutory provisions.

The investigation recommended, therefore, that the City Council should take particular care to ensure that it did not use these signs as templates for any other public signage and also that it should not allow other organisations or authorities to copy the signs for their own purposes without first amending the template to bring it into compliance with the legislation. An Coimisinéir Teanga made a series of recommendations to deal with the matter and the City Council confirmed that it accepted the decision and the recommendations of the investigation.

Investigation launched: 7 October 2010

Report issued: 24 November 2010

Department of Communications, Energy and Natural Resources

An investigation showed that the Department of Communications, Energy and Natural Resources had contravened subsection 18(1) of the Official Languages Act by failing to implement commitments in its language scheme in an appropriate and timely manner.

The Department's language scheme under section 11 of the Official Languages Act came into effect on 2 October 2006. The provisions of the scheme remain in force for a period of three years from the date on which the scheme is confirmed by the Minister for Community, Equality and Gaeltacht Affairs, or until a new scheme has been confirmed by the Minister, whichever is the later.

In accordance with subsection 18(1) of the Act, a public body has a duty to proceed to implement a scheme which has been confirmed under the Act.

As part of the monitoring work of the Office of An Coimisinéir Teanga, an audit of the discharge of the commitments in the Department's language scheme took place at the end of the third year of the scheme. As a result of the audit process, it emerged that certain commitments in the language scheme did not appear to have been properly implemented.

Efforts were made to reach an agreed resolution which would ensure that all the provisions of the scheme were implemented, but these efforts failed. There was no alternative but to conduct a formal investigation in order to come to a decision and make recommendations on the matter.

The Department indicated that it did not accept that it had failed to comply with subsection 18(1) of the Official Languages Act 2003 with regard to the implementation of its commitments in relation to the use of Irish, as was set out in the investigation.

The Department gave an account to the investigation of the work it was undertaking to ensure the implementation of the commitments in the scheme but no clear target dates were specified to ensure appropriate compliance with the commitments. The Department failed to provide any evidence to the investigation in support of its claim that it was not in contravention of its statutory duty in this instance, even though such evidence was requested on two occasions.

It was clear to the investigation that the Department had failed to implement its language scheme appropriately within the timeframe that had been set out. The commitments had not been implemented at the end of 2010, more than a year after the end of the three year implementation period which ended on 30 September 2009. It cannot be denied, therefore, that a contravention of subsection 18(1) of the Act occurred in this instance.

The investigation recommended that the provisions of the scheme be fully implemented immediately, or at the latest by 17 March 2011.

Investigation launched: 15 October 2010

Report issued: 30 December 2010

Department of Education and Skills

An investigation found that the Department of Education and Skills contravened its statutory obligations by failing to properly implement a commitment in its language scheme to require a higher standard of Irish for recruitment to the Inspectorate when a vacancy for the position of Chief Inspector was being filled in 2010.

The investigation arose out of a complaint that a post as Chief Inspector in the Department of Education and Skills was advertised but that no reference was made to a requirement to have Irish for the position.

The investigation related to duties that are confirmed in the Department's language scheme:

“To enhance the provision of a bilingual inspection service, the Department, through the Public Appointments Commission, will recruit Inspectors to each area of service who will continue and indeed enhance the delivery of service through Irish. The Department will review the selection and appointments processes to the Inspectorate with a view to:

- *Requiring a higher standard of Irish for recruitment to the Inspectorate”.*

A definition of the Inspectorate is given in subsection 13(1) of the Education Act 1998:

“The Minister shall appoint a Chief Inspector and such and so many Inspectors as the Minister considers appropriate and the Chief Inspector and Inspectors collectively shall be known and are referred to in this Act as the “Inspectorate”.”

The Office of An Coimisinéir Teanga made every effort to avoid a formal investigation by endeavouring to reach an agreement in relation to this question with the staff of the Department of Education and Skills but these efforts were unsuccessful.

In accordance with subsection 13(1) of the Education Act 1998, the statutory duty to make the appointment to the post of Chief Inspector lay with the Minister for Education and Skills. The Top Level Appointments Committee (TLAC), which is under the aegis of the Department of Finance, played a central role in the conduct of the competition.

TLAC confirmed to the investigation that it was not a matter for that Committee to decide the requirements in relation to competence in Irish in any appointment that was made. *“It is a matter for the relevant Department to prepare details of the post (a job specification) and to indicate if Irish is a requirement.”* (translation)

TLAC said that the Department of Education and Skills did not specify competence in Irish as a requirement of the appointment as Chief Inspector. The Department of Education and Skills maintained that it did not accept that it had a duty to specify Irish as a requirement of the post when recruiting a suitable candidate.

Although the Department accepted that it had a duty in accordance with a provision of d to the Inspectorate, it said that this duty applied to inspectors of schools and that there was its language scheme to require a higher standard of Irish from those it recruited a significant difference between the work done by inspectors of schools and the sort of work done by a Chief Inspector. For this reason, the level of fluency in Irish required for the two posts was not the same. The Department considered that there was no reason that the Irish language requirement for the post of Chief Inspector should be any different from that required for any other post at Assistant Secretary level in the Department of Education and Skills or elsewhere in the civil service.

In addition, the Department referred to its belief that a requirement for fluency in Irish would limit the number of applicants from other jurisdictions. It pointed out that the post was advertised in the *Sunday Times* and also that the Department of Education in Northern Ireland was made aware of the vacancy.

It is obvious from subsection 13(1) of the Education Act 1998 that the Inspectorate is the name given to the Chief Inspector and the inspectors as a unit. This understanding is not qualified in any way in the relevant provisions of the language scheme. It was clear to the investigation that the language commitments in relation to the Inspectorate and in relation to the Chief Inspectorate were one and the same.

The investigation considered that the Department of Education and Skills had neglected its responsibilities when it set aside this statutory commitment while it made arrangements for recruitment to fill the vacancy at Chief Inspector level. Fluency in Irish should have been given as one of the requirements for the appointment in order to comply with the relevant commitment in its language scheme.

It came to light, in the course of the investigation, that the person appointed as Chief Inspector as a result of this competition was fluent in both Irish and English. This was a coincidence rather than a result of a well planned policy of the Department to require ability in Irish and English for the appointment.

As a result of the investigation, it was recommended that, as long as there is a commitment to that effect in the Department's language scheme, the Department should ensure that fluency in Irish was taken into account in a proper manner if a vacancy for Chief Inspector were to be filled in the future.

Investigation launched: 24 February 2010

Report issued: 23 August 2010

Private Residential Tenancies Board

An investigation showed that the Private Residential Tenancies Board had contravened subsection 9(2) of the Act following a complaint that the Board had, for the third time since 2006, issued, to the same client, a communication in English in reply to a communication in Irish.

Subsection 9(2) of the Official Languages Act 2003 imposes a duty on public bodies to ensure that any communication in Irish, in writing or by electronic mail, with the public body in question is replied to in Irish.

As the issue was raised on an informal basis with the Board on the two previous occasions, it was considered necessary to conduct a formal investigation on this occasion.

The Board accepted without question that it had contravened subsection 9(2) of the Official Languages Act by issuing a communication in English in reply to a written communication in Irish to the Board, three times in the case of this client. The Board indicated that this mistake happened "*as a result of human error.*" (translation) The Board said that it was "*vigilant with regard to its obligations under the Official Languages Act*" (translation) and gave an example of the ways in which it showed that vigilance.

With regard to what happened in this case, the Board had the following to say: "*The PRTB has a permanent staff of 40 and also employs some workers from employment agencies, principally to assist with duties such as the entry of registration of details, pending the introduction shortly of an online system. It would appear that certain staff members did not recognise that the application in Irish should have been removed from the normal process which is dealt with through English, so that we could provide a service through Irish.*" (translation)

The Board confirmed to the investigation that it was on the point of launching a new Information Technology and Communications (ITC) system that would allow landlords to register online and that this system would be available in Irish.

The Board also confirmed that members of staff who opened the post had been directed to forward any correspondence in Irish to an officer with the ability to reply in Irish and that a stock of standard letters had been translated to Irish for this purpose. The Board indicated to the investigation that it wished to apologise sincerely to the complainant.

It appeared to the investigation that this was not an ordinary error: that it was a systems failure as the mistake between the Board and the same client happened three times over the years.

The investigation considered that any system that relies on human input cannot give an absolute guarantee that errors will not happen from time to time. However, where a clear legal obligation is at issue, it deemed it important that as many safeguards as possible be put in place to avoid errors. The investigation stated that it was important that such systems be actively and regularly tested to ensure they worked correctly.

Investigation launched: 4 August 2010

Report issued: 20 September 2010

Dublin City Council

An investigation showed that Dublin City Council had, on a number of occasions, contravened its statutory language duty as confirmed in subsection 9(2) of the Official Languages Act 2003 by replying in English to communications in Irish from a single complainant.

Subsection 9(2) of the Official Languages Act 2003 imposes a duty on public bodies to ensure that any communication in Irish with the public body, in writing or by electronic mail, is replied to in Irish.

A complaint was made in February 2010 that, for the second time, Dublin City Council issued a letter in English in reply to an application in Irish, to the Motor Taxation Office, from the same member of the public. The investigation also concerned the use of Irish on the organisation's stationery, as set out in regulations under the Official Languages Act 2003, since two return envelopes issued to the complainant had the address of the City Council in English only.

The Office of An Coimisinéir Teanga brought the matter to the attention of the City Council on an informal basis after the first incident and the Motor Taxation Office gave certain commitments in relation to raising language awareness among its staff and ensuring that the issue was brought to the attention of staff. However, within a couple of

days, the same thing happened again in their communications with the same member of the public. It was necessary, therefore, to conduct a formal investigation of the case. After the start of the investigation, the complainant received a further communication in English.

The City Council indicated that *“as a lot of transactions take place and as the work is repetitive, it is difficult to avoid incidents from time to time where errors occur. The small number of applications of the Motor Taxation in Irish, as a proportion of the overall workload, can be a further reason why people make errors of this sort.”* (translation)

The City Council pointed out that forms in Irish are provided and said, *“when we receive an application in Irish it is dealt with in the same manner as all other applications.”* (translation)

The City Council explained what happened in this case as follows:

“It is impossible to be sure how robust any system or work process is until it is put into operation. Unfortunately, on this occasion, because of an error, the work processes were not effective”. (translation)

As regards the envelope, the City Council said: *“The envelopes in question were part of stock received before 1 March 2009. When the current stock is used up we will ensure that all return envelopes are bilingual.”* (translation)

The investigation accepted that mistakes or human errors can happen from time to time. There was no reason to believe the contravention was deliberate in this case. However, the complainant communicated four times in all with the public body. Only on the fourth occasion was the transaction conducted satisfactorily in Irish. In this particular case, there was a systems failure.

Investigation launched: **10 February 2010**

Report issued: **16 March 2010**

Iarnród Éireann

An Coimisinéir Teanga decided, as a result of an investigation, that Iarnród Éireann was in contravention of its statutory duties in relation to certain signage erected in Ennis, Co. Clare.

A series of complaints were made to the Office of An Coimisinéir Teanga with regard to various Iarnród Éireann signs, alleging that they were not in compliance with the language requirements in signage legislation. The complaints concerned the signage at train stations, in car parks and at a new level crossing on the Western route between Galway and Ennis.

In the case of this signage, 3 different sections dealing with statutory language obligations were involved i.e. orders under subsection 95(16) of the Road Traffic Act 1961 (as specified in subsection 6.1.2 of the Traffic Signs Manual), subsection 57(1) of the Transport Act 1950 and regulations made in S.I. 391 of 2008 under subsection 9(1) of the Official Languages Act 2003.

With regard to warning signs at level crossings, it is specified in the *Traffic Signs Manual* that the text should be bilingual and an example of the correct text is given.

Subsection 57(1) of the Transport Act 1950 is as follows:

“All permanent public notices and signs (including the names of stations) maintained by the Board shall be in the Irish language but may be in both the Irish and English languages.”

Subsection 9(1) of the Official Languages Act 2003 is as follows:

“The Minister may by regulations provide that oral announcements (whether live or recorded) made by a public body, the headings of stationery used by a public body and the contents and the lay-out of any signage or advertisements placed by it shall, to such extent as may be specified, be in the Irish language or in the English and Irish languages and different provisions may be made in relation to different classes of body, oral announcements, stationery, signage or advertisements.”

In S.I. 391 of 2008, Regulations were made in relation to the use of the Irish language on signage erected by public bodies, effective from 1 March 2009.

Based on the case put forward by Iarnród Éireann, An Coimisinéir Teanga considered it likely that these problems with the signage had arisen because of changes that had taken place over the years and because of misunderstandings in relation to the legislation.

Iarnród Éireann indicated in its reply that ‘*the signs included in the investigation are in place for many years*’ (translation) and ‘*Generally the signage at level crossings are in*

English' (translation). The investigation did not accept that either of these two arguments could be accepted as an excuse for neglecting to make the necessary corrections.

Iarnród Éireann also referred to the redesign of signage at the level crossing. The investigation did not consider that any redesign was appropriate as the design of such signs is clearly specified in the *Traffic Signs Manual* which was issued under Orders made under the Road Traffic Act 1961 and, therefore, the signage could not be redesigned without a revision of those Orders.

This investigation could have been avoided completely and the matter could have been dealt with on an informal basis if the public body had put its position in writing at the start.

As a result of the investigation, An Coimisinéir Teanga found that Iarnród Éireann contravened its statutory duties in this case and he made five recommendations.

Investigation launched: 14 April 2010

Report issued: 19 May 2010

County Kildare Vocational Education Committee

An investigation showed that County Kildare Vocational Education Committee contravened its legal obligations by placing new parking signs in English only on the surface of the carpark and the roadway outside a gaelscoil (a school teaching through the medium of Irish).

The investigation arose from a complaint made in October 2009. Efforts were made to resolve the issue on an informal basis, but as an agreement could not be reached, it was necessary to conduct an investigation.

The Regulations (S.I. 391 of 2008) which are confirmed under subsection 9(1) of the Official Languages Act oblige public bodies to ensure that signs placed by them or on their behalf at any location are in Irish or bilingual. The Regulations relate to signs placed at any site on or after March 1st 2009. Other legal provisions were also relevant, namely the orders made by the Minister for Transport under the Road Traffic Acts, which are contained in the *Traffic Signs Manual*, and which clearly direct that traffic signs, including parking signs, should be bilingual.

In its reply, the Vocational Education Committee indicated to the investigation that the Committee did not believe that it had an Irish language obligation in relation to these signs. The Committee said that the work was undertaken as part of a contract to

The investigation related to the implementation of commitments made as part of the Council's language scheme which provided that all application forms would be available in Irish and easily accessible on the Council's website.

It appeared to the investigation that the specific assurances given by the Council would guarantee that, by 31 March 2011 at the latest, all application forms would be available in Irish and would be easily accessible on the website. This arrangement would cover forms already translated and those which still required translation.

Investigation launched: 22 April 2010

Investigation discontinued: 15 June 2010

Department of Education and Skills

Investigation discontinued

An Coimisinéir Teanga decided to discontinue an investigation in a case relating to the Department of Education and Skills when specific assurances were given that the language obligation which was a cause for concern in this investigation would be appropriately implemented by that public body.

The investigation related to the provision by the Department of Education and Skills of certain "support services" to recognised schools which teach through Irish. The support service at issue was the provision of an Irish language version of evaluation reports on the teaching of English in schools that teach through the Irish language. The Department already provided an English language version of evaluation reports on the teaching of Irish in schools which teach through English.

The Department confirmed, in a letter to the investigation, that from September 2010 on it was going to provide the relevant reports from the Inspectorate, in Irish and in English, to schools which teach through Irish. This would ensure the equal treatment of schools, regardless of their language of instruction.

Investigation launched: 5 July 2010

Investigation discontinued: 4 August 2010

FINANCIAL MATTERS

A budget of €796,000 was provided for my Office for the year 2010 and €743,966 of that money was drawn down.

The accounts of the Office for 2010 have been prepared for audit by the Comptroller and Auditor General in accordance with subsection 8(2) of the Second Schedule of the Official Languages Act 2003.

As soon as possible after the audit, a copy of those accounts, or of such extracts from those accounts as the Minister for Community, Equality and Gaeltacht Affairs may specify, shall be presented to the Minister together with the report of the Comptroller and Auditor General on the accounts.

Copies of those documents shall be laid before the Houses of the Oireachtas by the Minister. They will also be published on this Office's website.

ENERGY

Overview of Energy Usage in 2010

The use of electricity in the office building in An Spidéal constitutes the total energy consumption of the Office of An Coimisinéir Teanga. This includes the heating and aeration of the building, water heating, lighting and the use of office equipment.

In 2010, the Office of An Coimisinéir Teanga consumed 73.29 MWh of electricity.

Actions Taken in 2010

In 2010, the Office of An Coimisinéir Teanga raised staff awareness regarding the importance of energy saving:

- All equipment is turned off when not in use.
- The office is examined at the end of every working day to ensure that lights and equipment are switched off overnight and when the building is not occupied.
- Time switches are in use in respect of the heating systems.

Actions Planned for 2011

In 2011, it is planned to prevail upon the Office of Public Works to have the main heating and aeration system in the building repaired. This will lead to a reduction in the energy consumed to heat the building.

This information is provided in accordance with the provisions of S.I. 542 of 2009.

STAFF AND CONTACT DETAILS

STAFF

An Coimisinéir Teanga – Stiúrthóir / Director –	Seán Ó Cuirreáin folúntas/vacancy
Bainisteoir Cumarsáide / Communications Manager –	Damhnait Uí Mhaoldúin
Bainisteoir Imscrúduithe / Investigations Manager –	Órla de Búrca
Bainisteoir Géilliúlachta / Compliance Manager –	Colm Ó Coisdealbha
Riarthóir Oifige / Office Administrator –	Éamonn Ó Bróithe
Oifigeach Feidhmiúcháin / Executive Officer –	folúntas/vacancy
Oifigeach Cléireachais / Clerical Officer –	Deirdre Nic Dhonncha
Oifigeach Cléireachais / Clerical Officer –	folúntas/vacancy

CONTACT DETAILS

This Office may be contacted by post, fax, email or telephone, at the cost of a local call, as follows:

POST / POST: An Coimisinéir Teanga, An Spidéal, Co. na Gaillimhe, Éire

FÓN / PHONE: 091-504 006

GLAO ÁITIÚIL / LO-CALL: 1890-504 006

FACS / FAX: 091-504 036

RÍOMHPHOST / EMAIL: eolas@coimisineir.ie

SUÍOMH GRÉASÁIN / WEBSITE: www.coimisineir.ie

Is é an leagan Gaeilge buntéacs na Tuarascála seo.

The Irish language version is the original text of this Report.