

## **ANNUAL REPORT**

To the Minister for Arts, Heritage and the Gaeltacht:

In accordance with section 30 of the Official Languages Act 2003, this Report for the year 2011 is being presented by An Coimisinéir Teanga.

Seán Ó Cuirreáin

An Coimisinéir Teanga

January 2012

## **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 2011 was a busy and eventful one for the Office of An Coimisinéir Teanga.

The Office continued to perform its main statutory functions by operating as an independent ombudsman's office, as a compliance agency and as advisory body with regard to statutory language rights and duties. This Report presents a statistical analysis and a written description of the year's work.

### **Special Reports**

During the year, the Office published a commentary on the practical application and operation of provisions of the Official Languages Act 2003. This commentary was published in July as a special report under section 29 of the Act. The aim of the commentary was to present to the public the experience and understanding of this Office with regard to the operation of the legislation and thereby to assist in the formal review of the Act. The new Government which came into power during the year had announced their view of the Act as one element of its programme for Government. Further information on this commentary is provided on page 15 of this Report.

At the same time, my Office laid two special reports before the Houses of the Oireachtas with regard to cases where public bodies had breached their statutory language obligations but then failed to implement the commendations made to ensure compliance. The organizations involved

– the Health Service Executive and the National Museum of Ireland – did not appeal to the High Court against the decisions reached in the relevant investigations, but they did not implement the recommendations made by the investigations. This was the first time since its establishment that my Office had to take such action. Further information on this is provided on page 19 of this Report.

### **Complaints and Investigations**

During the year, my Office dealt with 734 cases of difficulties or problems accessing state services through Irish – the largest number of complaints from the public to the Office since its establishment. This represented an increase of 5% on the number of cases in the previous year. The complaints came from individuals in the general public, from language activists and from language organisations. The vast majority of cases were resolved by means of informal negotiations with the appropriate public body or by providing advice to the complainant. Examples of cases resolved through informal negotiations can be found on pages 34-38 of this Report.

A total of 15 formal investigations were commenced during 2011 in addition to one which was ongoing from the previous year. Of these investigations, 12 were concluded while 4 others were still in progress at year-end. Summaries of the investigations are in the chapter of this Report entitled "Investigations". Investigations are only undertaken when it appears that a breach of a statutory obligation has occurred and when informal efforts have failed to resolve the issue.

Particular significance attaches to an investigation which found that An Garda Síochána stationed a substantial number of members of the force, who did not speak Irish, in the heart of the Donegal Gaeltacht in breach of statutory obligations. Only one of the nine Gardaí stationed in the parish of Gaoth Dobhair spoke Irish. This occurred at a stage when the status of Irish as a community language in the Gaeltacht is more vulnerable than at any time in the past. The State can hardly expect the Irish language to survive as the language of choice of Gaeltacht communities if it continues to require people in such areas to carry out their business with the State through English.

As a result of two other investigations it was found that the Department of Social Protection failed to correctly award bonus marks for competence in Irish and English in internal promotion competitions. The system, which is in operation since 1975, was set up as a replacement for ‘compulsory’ Irish, and it was designed to ensure that Irish-speaking staff would be available at all grades in the Civil Service. The Department of Social Protection did not appeal the decision of the investigation to the High Court, but neither did it implement the recommendations. That in itself is a matter of concern but the situation is made worse by the knowledge that the practice of failing to award bonus marks correctly is common throughout the Civil Service.

If bonus marks are not awarded for proficiency in the two official languages in internal promotion competitions at a time when little recruitment is taking place in the Public Service and at a time when the work of Gaeleagras, the Irish language training body for the Public Service has been all but terminated, it is very difficult to see how the quantity and quality of state services through Irish could be improved.

## **Compliance**

In 2011, my Office continued a programme of detailed audits of public bodies in order to monitor compliance with the provisions of the Official Languages Act. The monitoring capacity of the Office was mainly focused on the implementation of language schemes. It is clear from the completed audits that the majority of public bodies do not succeed in fully implementing all commitments given in their language schemes within the lifetime of the schemes. Often, the commitments that are not implemented are the very ones most likely to be of benefit, such as the availability of Irish language versions of websites and online services and interpersonal services in Irish.

During the year, my Office began audits of language schemes that have been in place for more than six years. In these cases, the second scheme had not yet been ratified. While it is most unsatisfactory that we have to monitor commitments made many years ago, commitments that are possibly no longer as relevant as they were when they were made, we have little option if we are going to maintain confidence in the monitoring process. Comprehensive information in relation to the language audits completed by the Office is given in the chapter entitled “Monitoring” in this Report.

## **Language Schemes**

I have referred regularly over the past few years to my concern in relation to the delay in the confirmation of language schemes for public bodies under the Act.

The system of language schemes is at the very heart of the legislation and we rely on the language scheme system to improve the quantity and quality of much of the services provided in Irish by public bodies.

During 2011, the Minister for Arts, Heritage and the Gaeltacht confirmed only one new language scheme.

In total, 105 language schemes have been confirmed by the Minister to date, but by the end of 2011, 66 of these had expired. This means that no second scheme has been confirmed for two thirds of public bodies, a development that would have increased the supply of services through Irish that could be expected from those public bodies.

At least 20% of the language schemes had expired for more than three years and a further 20% for more than two years.

The following were among the public bodies whose language schemes had expired for long periods at the end of 2011: the Office of the President (three years and eight months), the Arts Council (three years and six months), Office of the Ombudsman (three years and six months), the Courts Service (three years and five months), Galway County Council (three years and four months), the Revenue Commissioners (three years and three months), and the Department for Education and Skills (three years and one month).

In addition to the above, 28 other public bodies had been asked to prepare a first draft scheme but by the end of 2011 these schemes were still not confirmed by the Minister for Arts, Heritage and the Gaeltacht. In the case of ten of those, more than five years had elapsed since they were initially asked to prepare a draft scheme, in two other cases four and a half years had elapsed. It is of particular significance that four years and seven months had elapsed since the HSE was requested to prepare a draft language scheme; this is an organisation with very close ties to the community and where almost a third of public sector employees work. It is almost three years since An Post was asked to prepare a draft language scheme and more than two years since the Office of the Houses of the Oireachtas, RTÉ and the National Roads Authority were asked to prepare schemes.

By year end, no language scheme had been confirmed for the Department of Arts, Heritage and the Gaeltacht, which was formally established on June 1st 2011.

Last year's statistics show that matters have undoubtedly been allowed to slide out of control and that the system for the confirmation of language schemes appears now to have failed completely. I regret to say that I am of the opinion that it will prove next to impossible to re-establish confidence in that system.

## **Educational Resource**

During 2011, my Office launched a bilingual educational resource on language rights as an aid to students and teachers of the Junior Certificate Civic, Social and Political Education (CSPE) course. Copies of the resource were made available to every secondary school in the country with support from An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta. The resource consists of a series of lessons on language rights for teachers and students of the CSPE course and gives an overview of language rights generally and Irish language rights in particular, in the context of human rights. The active learning package is bilingual and includes a teacher's booklet, posters, a CD-ROM, a DVD of video clips and online resources,

## **Statutory Amendments**

Amendments were made twice during 2011 to statutory provisions of the language legislation.

Section 7 of the Act requires that Acts be printed and published simultaneously in both official languages as soon as possible after their enactment. An amendment to this provision, made in section 62 of the Civil Law (Miscellaneous Provisions) Act 2011, allows the publication of any Act of the Oireachtas on the internet in one official language, before it is printed and published simultaneously in both official languages.

Another amendment concerned placenames. Section 48 of the Environment (Miscellaneous Provisions) Act 2011 amends a provision of Statutory Instrument (No. 872 of 2004) – Placenames Order (Gaeltacht Districts) 2004, made under the Official Languages Act – in so far as it relates to the placename 'An Daingean'. This amendment provides that 'Daingean Uí Chúis' in Irish and 'Dingle' in English are now the official names, rather than 'An Daingean'.

These amendments were made in 2011 although it was set out in the programme for Government that there would be a full review of the Act. The Department of Arts, Heritage and the Gaeltacht announced the terms of reference for this review at Oireachtas na Gaeilge on 3 November 2011 and, as part of the consultation process, published a template for submissions and a survey.

Two weeks later the Government announced that, as part of its programme of Public Service reform, it had decided to merge the functions of the Office of An Coimisinéir Teanga with the Ombudsman's Office and that this arrangement would be implemented during 2012 in the context of the review of the Act.

## **Staffing**

Like many other public service offices, we again suffered staffing constraints during 2011. I have a staff of 5.5 civil servants working with me in place of the eight staff approved as the minimum necessary for the Office. I would like to take this opportunity to express my personal thanks to the staff for their dedication to the work of the Office throughout the year. I would also like to thank all those who supported and cooperated with us during the year, including employees of the civil and public service, representatives of Irish language and Gaeltacht organisations, the media, researchers, academics and many others.

## **Other**

One of the functions of my Office is the provision of advice to public bodies about their obligations under the Act. During the year, my Office replied to 214 requests from public bodies for advice on their language obligations.

During 2011, I met the newly appointed first Welsh Language Commissioner, Meri Huws – former chairperson of the Welsh Language Board. I offered her the assistance and cooperation of this Office as she undertakes her challenging new role.

During the last year also, an official of this Office and I accepted an invitation from the OSCE Mission in Kosovo to advise on the reorganisation of the Language Commission in Kosovo, and to organise a series of workshops on best practice for them.

I met with Queen Elizabeth II and her husband, Prince Philip, at a reception in Trinity College during the first day of their historic visit to this country. I also attended the inauguration the newly elected President, Michael D. Higgins.



## **BACKGROUND**

The President formally reappointed me as Coimisinéir Teanga on 23 February 2010 on the advice of the Government following a resolution passed by both Houses of the Oireachtas 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/publications](http://www.coimisineir.ie/publications). The relevant financial accounts are also available on the website.

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 2011 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.

An amendment was made to the Official Languages Act 2003 in section 62 of the Civil Law (Miscellaneous Provisions) Act 2011. The amendment means that any Act of the Oireachtas may be published online in one official language before it is printed and published simultaneously in both official languages.

An amendment was also made in section 48 of the Environment (Miscellaneous Provisions) Act 2011 to a provision of Statutory Instrument (No. 872 of 2004) – Placenames Order (Gaeltacht Districts) 2004 – in so far as it relates to the placename, ‘An Daingean’. This amendment confirms that ‘Daingean Uí Chúis’ in Irish and ‘Dingle’ in English are now the official placenames where ‘An Daingean’ was used previously.

A full review of the Official Languages Act formed part of programme for Government of the new administration that came to power during the year. In July, my Office published a commentary, as a special report, under section 29 of the Official Languages Act 2003 on the practical application and operation of the Act.

At the same time, my Office laid two special reports before the Houses of the Oireachtas with regard to cases where public bodies had breached their statutory language obligations but then failed to implement the recommendations made to ensure compliance. It is a matter for the Houses of the Oireachtas to take any additional steps, if they consider this appropriate.

In November, the Government announced, as part of public service reform, that the functions of the Office of An Coimisinéir Teanga would be amalgamated with those of the Office of the Ombudsman and that this would be implemented during 2012.

## **INFORMATION & COMMUNICATION SERVICES**

During 2011, my Office continued with various campaigns to provide information about the Official Languages Act 2003 and about the Office itself.

### **Educational Resource**

In September, copies of the bilingual education resource, *Cearta Teanga / Language Rights*, developed by my Office, were distributed to all second level schools in the country with support from the COGG, the Department of Education and Skills' advisory council on Gaeltacht and gaelscoil education. The resource provides an overview of language rights in general and of Irish language rights in particular, in the context of human rights.

Dinny McGinley TD, Minister of State for the Gaeltacht, launched the resource at an event in Galway, where he said that he hoped it would help students develop their sense of identity as citizens of a country which has two official languages as well as increasing their understanding of the importance of protecting and promoting our national language.

The resource consists of a series of bilingual lessons and projects that will be taught as part of the Junior Certificate course in Civic, Social and Political Education (CSPE). The active learning package includes a teacher's manual, posters, task cards, a CD-Rom and a DVD of video clips in addition to online resources which are available at [www.coimisineir.ie/schools](http://www.coimisineir.ie/schools).

The module deals with the advantages and challenges of multilingualism and explores the United Nations' Universal Declaration of Human Rights. It includes the screening of the short film *Yu Ming Is Ainm Dom (My Name Is Yu Ming)* – the story of a young Chinese man who learns Irish in anticipation of his visit to Ireland but who experiences communications difficulties until he eventually finds himself a job as a barman in the Gaeltacht.

Images of Irish national identity compiled by Nuacht TG4/RTÉ with a soundtrack from *The Coronas* form part of a lesson on culture and nationality; a set of task cards is used in a lesson that asks students to explain elements of Irish society to a visiting Martian, and a further lesson involves developing bilingual stationery and signage.

The material was developed by a panel of CSPE teachers with assistance from a wide range of organisations including the Department of Education's Professional Development Service for teachers, NUIG's Acadamh na hOllscolaíochta Gaeilge, COGG, Nuacht TG4/RTÉ, and others. The initiative was tested initially as a 'pilot project' in a selection of 15 schools throughout Ireland in 2010 and the resultant feedback used to perfect the material.

## **Advice for Public Bodies**

The functions of the Office include the 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.

During 2011, officials from public bodies contacted my Office on 214 separate occasions either with specific questions or seeking advice about their obligations under the Act. Almost 60% of these queries concerned advice on the duties of public bodies under the Regulations made under subsection 9.1 of the Act, with regard to the use of the Irish and English languages on signage, stationery and recorded oral announcements.

Without doubt, 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 legislation.

## **Website**

The website [www.coimisineir.ie](http://www.coimisineir.ie) serves as a comprehensive source of information on all aspects of the Office of An Coimisinéir Teanga and the Official Languages Act 2003. A Guidebook to the Official Languages Act is available on the website to assist the public with regard to their language rights and, in particular, to advise public bodies in relation to their obligations under the Act.

An electronic version of an educational resource, Cearta Teanga /Language Rights, is available online at [www.coimisineir.ie/schools](http://www.coimisineir.ie/schools).

If a member of the public wishes to seek advice or make a complaint, there is an online form that can be completed and sent electronically to my Office. All pages of the website are, at a minimum, AA accessible.

## **Media**

During 2011, 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 both 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 2011 Gold Medal was presented to Seosamh Ó Riain for his thesis at the graduation ceremony in Fiontar, Dublin City University on November 7th 2011.

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 under the direction of Dr John Walsh in the National University of Ireland, Galway. An Coimisinéir Teanga's prize for 2011 was presented to Dara Folan.

### **External Relations**

During 2011, the Office of An Coimisinéir Teanga continued to work with other related offices overseas that are also concerned with the promotion of lesser used languages.

During the year, I met the first Language Commissioner appointed for Wales, Meri Huws – former chairperson of the Welsh Language Board. We agreed that the two offices should cooperate and that this Office should share its experience of best practice with the office in Wales as they prepare for the public launch of their new office early in April 2012.

During the past year, an official of this Office and I accepted an invitation from the OSCE Mission in Kosovo to advise on the reorganisation of the Language Commission in Kosovo, through the organising of a series of workshops on best practice. This work was carried out during annual leave and therefore did not involve any additional cost to this Office or the State. At the end of the year, the Office of the Prime Minister of Kosovo asked that my Office continue to provide external advice while the reorganisation of the Language Commission was ongoing.

The Office continued to collaborate with students and academics from different countries engaged in research and study on issues related to lesser used languages.

## **REVIEW OF THE ACT**

During 2011, this Office published a commentary on the practical application and operation of the provisions of the Official Languages Act. This commentary, published in July, was a special report under section 29 of the Act. Its purpose was to share this Office's experience and understanding of the implementation of the legislation with the public and to contribute to the formal review process of the Act which was announced as part of the programme of the new Government which came to power during the year.

The report acknowledged those elements of the Act which are working effectively, including the direct provisions in relation to communications in Irish and the regulations regarding the use of official languages in the stationery and signage of state organisations.

It also recognised the importance of the Act in confirming in law important basic language rights in relation to the use of Irish in the courts and the Houses of the Oireachtas. In addition, it noted that the Act provides a legislative framework for the State's official placenames.

The report also acknowledged that the Act also puts in place a system for monitoring the compliance of state agencies with language obligations and a structure for the investigation and resolution of complaints in relation to breaches of statutory language duties.

It recommended that a review be carried out of other elements of the legislation to ensure that these elements can be improved.

It was argued that the amended Act should be fit for purpose, serve the wishes of the Irish language community in an appropriate manner, and ensure that meaning is given to the constitutional provision which provides that Irish is the first official language as it is the national language.

It recommended that public bodies be classified into different categories (A, B, C, etc.) in accordance with their range of functions and their level of interaction with the public in general, including the Irish language and Gaeltacht communities, and that the level of service through Irish to be provided by public bodies should depend on that classification.

It recommended that public bodies be obliged by statute to provide their services through Irish in Gaeltacht regions and that such services should be of a standard equal to those provided elsewhere through English.

With regard to official publications provided through Irish, it recommended that priority be given to those publications for which there is the greatest demand from the public, the Irish-speaking and Gaeltacht communities included. It recommended that statutory provision be made to ensure that people have the right to use their first name, surname and address in their choice of official language when dealing with public bodies.

It further recommended that a renewed effort be made to ensure the proper implementation of the language schemes system on a strategic and consistent basis, or, as an alternative, that a new "standards" system based on statutory regulations be developed, as is planned for the Welsh language in Wales. In addition, it recommended that the most fundamental difficulty with the provision of state services through Irish, i.e. the lack of staff in the public sector competent in the two official languages of the State, be addressed by the introduction of a new system of recruitment and training. This recommendation was made in the knowledge that the current recruitment embargo will be relaxed in due course.

## **MONITORING**

### **Language Schemes**

As in previous years, this Office continued to audit the compliance of public bodies with their agreed language schemes. The Minister for Arts, Heritage and the Gaeltacht is responsible for confirmation of language schemes; this Office does not play any part in that process. This Office is responsible for monitoring the way in which public bodies implement the language schemes which have been confirmed by the Minister.

The year's audit plan dealt with language schemes at the completion of their first year, at the end of year three and at the end of year six. As in previous years, most of the monitoring work related to schemes which were in operation for a period of three years as at this point all the commitments should have been implemented by the public bodies.

Generally, the objective when monitoring language schemes which have completed their first year of operation is to ascertain if the public body has systems and practices in place that will ensure the successful implementation of the commitments given in the scheme. The third year audits seek, for the most part, to gather as much evidence as possible to establish that the language scheme has been duly implemented.

This was the first year in which we examined language schemes that have been in operation for a period of six years. Although language schemes have a three year operational timeframe, each scheme remains in force until such time as a new scheme is confirmed by the Minister. As there is an increase in the number of public bodies whose first scheme is over three years old and who do not yet have second language scheme confirmed, we decided that those schemes that have been in operation for the longest period of time, without a second scheme having been agreed, should be audited.

This year the monitoring process found that, in general, public bodies had difficulties in implementing all the statutory commitments that they had given in their language schemes, within the agreed timeframe. In most cases the lack of staff with sufficient competence in Irish was the reason commitments were not implemented. This problem not only restricted the capacity of certain public bodies to provide services directly to those who wish to conduct their business through Irish, but also resulted in a lack of internal resources being available to provide support services in Irish. As a result, public bodies had to rely on external translation services to provide material in Irish for websites, press releases, electronic services and other published material. Because of the current pressure on resources within the state sector, adequate priority was not always given to the provision of services in Irish, irrespective of the commitments given in the language scheme.

In most cases, this Office succeeded in reaching satisfactory arrangements with the public bodies who had not fully implemented their language schemes. The arrangements that this Office makes with a public body are regularly reviewed to ensure that what has been agreed is actually implemented. Following two of these audit processes, we failed to agree satisfactory arrangements with the public bodies concerned, and in those cases, we had no option but to initiate formal investigations.

**2011 / Reviews completed and reports issued 2011**

<b>Ainm an Chomhlachta Phoiblí</b>	<b>Name of Public Body</b>
Bord Scannán na hÉireann	Irish Film Board
An Garda Síochána	An Garda Síochána
Údaráis Áitiúla Chill Mhantáin	Wicklow Local Authorities
Údaráis Áitiúla Laoise	Laois Local Authorities
Coláiste na Tríonóide, Baile Átha Cliath	Trinity College Dublin
Údaráis Áitiúla Loch Garman	Wexford Local Authorities
An Bord Pleanála	An Bord Pleanála
Institiúid Teicneolaíochta Leitir Ceanainn	Letterkenny Institute of Technology
Coiste Gairmoideachais Chathair Bhaile Átha Cliath	City of Dublin Vocational Education Committee
Údaráis Áitiúla Chorcaí	Cork Local Authorities
Comhairle Cathrach Luimnigh	Limerick City Council
Údaráis Áitiúla Ros Comáin	Roscommon Local Authorities
Údaráis Áitiúla na hIarmhí	Westmeath Local Authorities
Comhairle Cathrach Chorcaí	Cork City Council
An Phríomh-Oifig Staidrimh	Central Statistics Office
Údaráis Áitiúla Lú	Louth Local Authorities
Teagasc	Teagasc
An Crannchur Náisiúnta	The National Lottery
Comhairle Contae Luimnigh	Limerick County Council
Bord Soláthair an Leictreachais	Electricity Supply Board
An tÚdarás um Ard-Oideachas	Higher Education Authority
Comhairle Cathrach Phort Láirge	Waterford City Council
Leabharlann Chester Beatty	Chester Beatty Library
Údaráis Áitiúla an Longfoirt	Longford Local Authorities
An Bord um Fhaisnéis do Shaoránaigh	Citizens Information Board



Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	Office of the Director of Corporate Enforcement
Coiste Gairmoideachais Chontae Dhún na nGall	County Donegal Vocational Educational Committee
Roinn an Taoisigh	Department of the Taoiseach
Údaráis Áitiúla Chontae Phort Láirge	Waterford County Local Authorities

## **Monitoring the implementation of the recommendations of investigations**

### **Background**

A public body has the right to appeal to the High Court, on a point of law, against a decision made by An Coimisinéir Teanga in an investigative report to which it is a party. Should a public body choose not to make such an appeal, it is obliged to fully implement the recommendations made following an investigation.

As part of the monitoring responsibilities of this Office, we continually examine the way in which public bodies implement the recommendations made in investigative reports. This monitoring is 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 the public body requesting further information, confirmation and evidence, as required.
3. Organising meetings with the public body, in certain cases, in order to obtain clarification and further information.

After a reasonable period of time has passed, An Coimisinéir Teanga has the right to provide each House of the Oireachtas with a report if he is of the opinion that a public body has failed to implement the recommendations of an investigation.

During the year, this Office examined the progress made by public bodies in implementing the recommendations contained in investigative reports issued during 2010. In general, this Office was satisfied that the majority of public bodies were implementing the recommendations made in those reports.

In certain cases, however, after gathering information and evidence from the public bodies in question, An Coimisinéir Teanga formed an opinion that certain public bodies were failing to satisfactorily implement the recommendations made in the investigative reports. It was decided to issue a report, in those instances, to the Houses of the Oireachtas and a more detailed account of this is provided below.

### **Report to the Houses of the Oireachtas**

In June 2011, An Coimisinéir Teanga provided two reports to the Houses of the Oireachtas as two public bodies had failed to implement the recommendations made in investigative reports. These investigations related to the Health Service Executive and the National Museum of Ireland.

This was the first occasion that An Coimisinéir Teanga made such reports to the Houses of the Oireachtas.

## **Health Service Executive**

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.

## **National Museum of Ireland**

The investigation in relation to the National Museum of Ireland arose from a complaint made to this Office with regard to a periodic publication of the organisation's calendar of events, in English only. When informal negotiations failed to achieve a satisfactory resolution of the issue, it was decided to initiate a formal investigation.

The investigation found that the National Museum of Ireland did not have sufficient staff with competence in Irish to allow it to provide a service in Irish as well as in English, insofar as it related to the provision of the National Museum's calendar of events. Specific recommendations were made in the investigative report to address this issue.

After a reasonable period of time had passed, this Office examined the progress made by the National Museum in the implementation of the recommendations made by the investigation. This examination showed that the National Museum had not made progress and when efforts to reach an agreement did not succeed, this Office had no option but to provide a report to the Houses of the Oireachtas.

## **Department of Social Protection**

An Coimisinéir Teanga has decided to submit a further report to the Houses of the Oireachtas in the case of the Department of Social Protection which failed to implement the recommendations made in two investigative reports. These two investigations arose from complaints made to this Office in relation to the manner in which bonus marks for proficiency in Irish were awarded in two separate promotion competitions organised by the Department of Social Protection.

Both investigations found that the Department of Social Protection failed to comply with the statutory obligations contained in the relevant Department of Finance circulars which are issued in pursuance of and by virtue of section 17 of the Civil Service Regulation Act, 1956. These circulars regulate the manner in which bonus marks should be awarded for proficiency in Irish and in English in Civil Service promotion competitions.

The Department of Social Protection did not appeal the decision of An Coimisinéir Teanga to the High Court.

This Office examined the progress made by the Department in implementing the investigations' recommendations during 2011. In response to the specific questions posed by this Office, the Secretary General of the Department confirmed that the Department did not intend to implement the investigations' recommendations. In light of that response, An Coimisinéir Teanga decided to report the matter to the Houses of the Oireachtas.

## LANGUAGE SCHEMES

### Schemes confirmed

The Minister for Arts, Heritage and the Gaeltacht did not confirm any new first language scheme during 2011. The Minister confirmed a second language scheme with one public body during the year. As a result, there were 105 language schemes covering a total of 191 public bodies confirmed by the end of 2011.

### Schemes expired

Of the 105 language schemes, 66 had expired by year end 2011. This meant that, in the absence of a second language scheme, no additional commitments in relation to improved services in Irish were required of those public bodies.

### Draft schemes

By the end of 2011, some 28 first draft schemes remained to be confirmed by the Minister for Arts, Heritage and the Gaeltacht. In addition, the Minister had requested 72 public bodies to prepare a second draft scheme and one public body to prepare a third draft scheme.

<b>Bliain inar daingníodh an chéad Scéim Teanga</b>		
<b>Bliain</b>	<b>Scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2004	01	01
2005	22	35
2006	18	36
2007	29	55
2008	15	28
2009	15	26
2010	05	10
2011	0	0
<b>Iomlán</b>	<b>105</b>	<b>191</b>

<b>Year in which first Language Scheme was confirmed</b>		
<b>Year</b>	<b>Schemes</b>	<b>Public Bodies Included</b>
2004	01	01
2005	22	35
2006	18	36
2007	29	55
2008	15	28
2009	15	26
2010	05	10
2011	0	0
<b>Total</b>	<b>105</b>	<b>191</b>

<b>An chéad dréachtscéim fós le daingniú</b>		
<b>Bliain</b>	<b>Dréacht-scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2005	16	25
2006	71	129
2007	42	79
2008	30	54
2009	31	43
2010	26	34
2011	28	36

<b>First draft scheme not yet confirmed</b>		
<b>Year</b>	<b>Draft Schemes</b>	<b>Public Bodies Included</b>
2005	16	25
2006	71	129
2007	42	79
2008	30	54
2009	31	43
2010	26	34
2011	28	36

<b>An dara dréachtscéim fós le daingniú</b>		
<b>Bliain</b>	<b>Dréacht-scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2007	20	33
2008	22	35
2009	48	84
2010	54	104
2011	72	139

<b>Second draft scheme not yet confirmed</b>		
<b>Year</b>	<b>Draft Schemes</b>	<b>Public Bodies Included</b>
2007	20	33
2008	22	35
2009	48	84
2010	54	104
2011	72	139

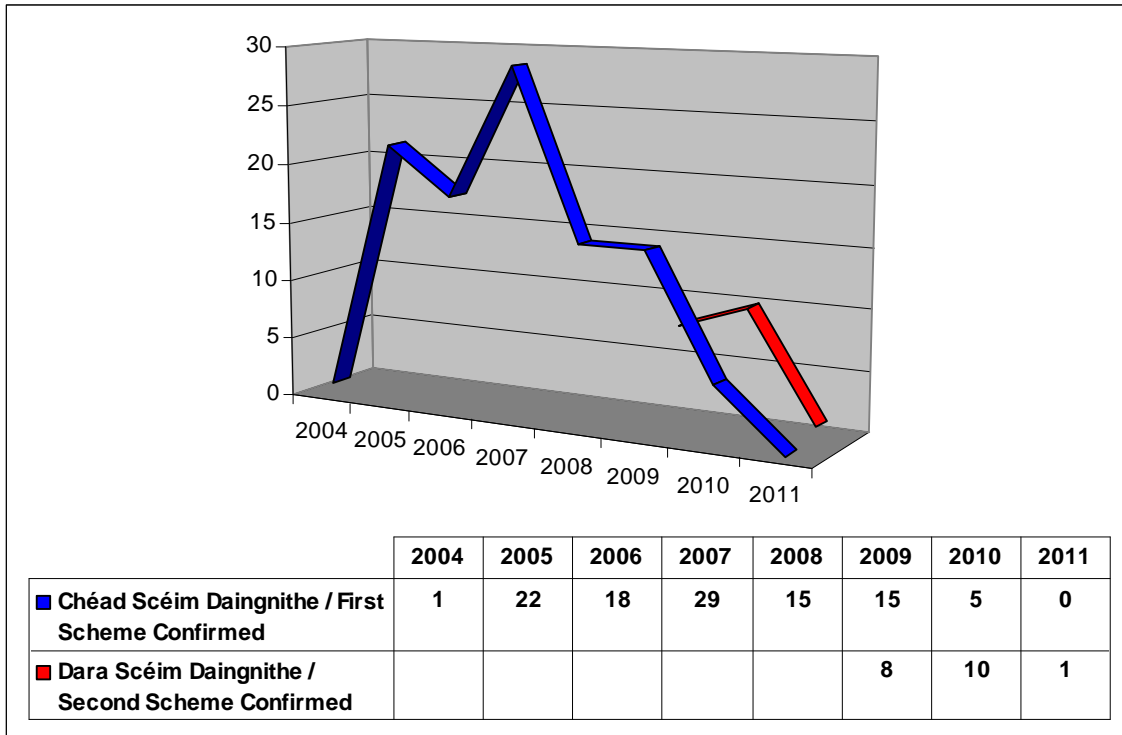
<b>An tríú dréachtscéim fós le daingniú</b>		
<b>Bliain</b>	<b>Dréacht-scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2011	1	1

<b>Third draft scheme not yet confirmed</b>		
<b>Year</b>	<b>Draft Schemes</b>	<b>Public Bodies Included</b>
2011	1	1

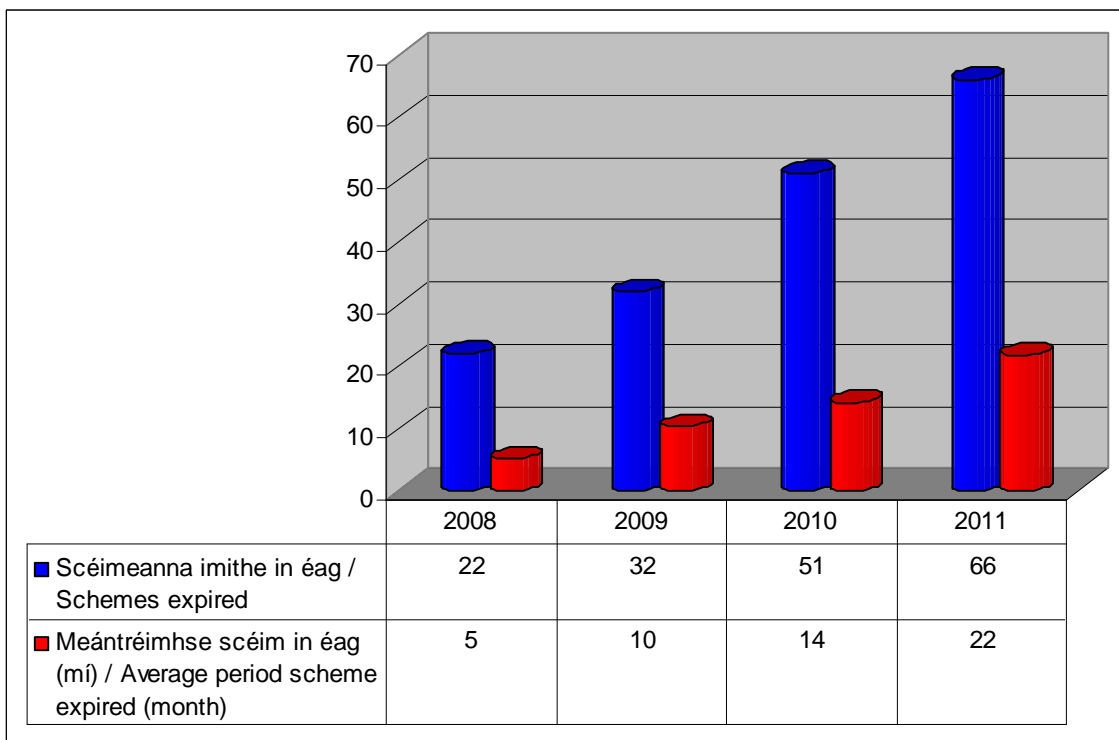
<b>Léirmheasanna / Iniúchtaí Críochnaithe</b>		
<b>Bliain</b>	<b>Scéimeanna</b>	<b>Comhlachtaí Poiblí san Áireamh</b>
2006	09	16
2007	25	43
2008	42	74
2009	39	73
2010	33	50
2011	29	62
<b>Iomlán</b>	<b>177</b>	<b>318</b>

<b>Reviews / Audits Completed</b>		
<b>Year</b>	<b>Schemes</b>	<b>Public Bodies Included</b>
2006	09	16
2007	25	43
2008	42	74
2009	39	73
2010	33	50
2011	29	62
<b>Total</b>	<b>177</b>	<b>318</b>

### Scéimeanna Daingnithe ag an Aire / Schemes Confirmed by the Minister

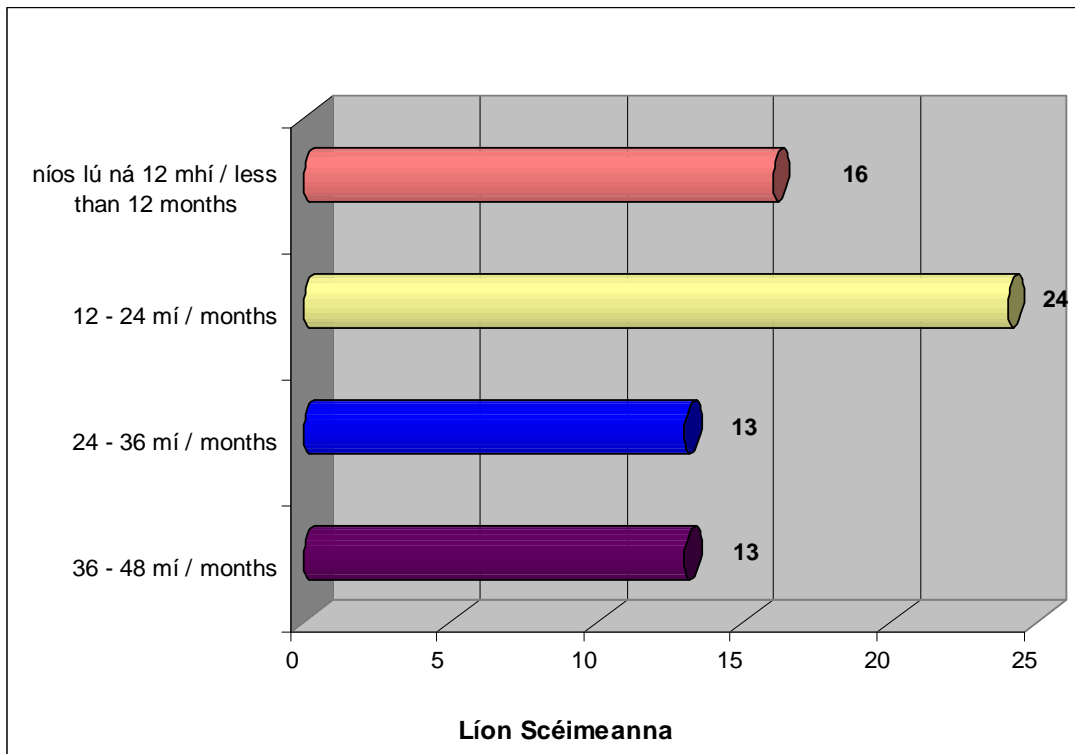


### Scéimeanna imithe in éag / Schemes expired





## Tréimhse scéimeanna in éag / Period schemes expired



**Scéimeanna daingnithe faoi dheireadh 2011 / Schemes confirmed by the end of 2011**

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta tosaithe Commencement date of	
		na chéad scéime / first scheme	an dara scéim / 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 Poiblí	Office of the Commission for Public Service Appointments	30/05/2005	11/05/2009
An Roinn Ealaíon, Spóirt agus Turasóireachta *	Department of Arts, Sport and Tourism	01/07/2005	20/04/2009
Oifig an Stiúrthóra Ionchúiseamh Poiblí	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
Údaráis Áitiúla Chiarraí	Kerry Local Authorities	26/07/2005	26/10/2010
An tSeirbhís Chúirteanna	The Courts Service	31/07/2005	
Údaráis Áitiúla Chontae Phort Láirge	Waterford County Local Authorities	01/08/2005	
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil **	Department of the Environment, Community & Local Government	15/08/2005	20/07/2009
Údaráis 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,	19/09/2005	

	Maynooth		
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 agus Mara	Department of Agriculture, Food and the Marine	01/06/2006	
Ollscoil Luimnigh	University of Limerick	01/06/2006	29/12/2009
An Roinn Dlí agus Cirt agus Comhionannais	Department of Justice and Equality	30/06/2006	
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	13/07/2006	
Coiste Gairmoideachais Chontae na Gaillimhe	County Galway Vocational Education Committee	01/08/2006	28/06/2010
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 Nádurtha	Department of Communications, Energy & Natural Resources	02/10/2006	
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade	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 Bhaile Átha Cliath Theas	South Dublin County Council	20/12/2006	
Údaráis 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, Turasóireachta agus Spóirt	Department of Transport, Tourism and Sport	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 Chúnadh 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	
Údaráis 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-	Dún Laoghaire-Rathdown County	01/07/2007	

Ráth an Dúin	Council		
Údaráis Áitiúla an Chláir	Clare Local Authorities	20/08/2007	
An Bord Pleanála	An Bord Pleanála	01/09/2007	29/8/2011
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
Údaráis Áitiúla Chorcaí	Cork Local Authorities	01/10/2007	
Comhairle Cathrach Luimnigh	Limerick City Council	01/10/2007	
Údaráis Áitiúla Ros Comáin	Roscommon Local Authorities	01/10/2007	
Údaráis 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 Stiúrthóra 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 Bhaile Átha Cliath	County Dublin Vocational Education Committee	01/10/2008	
Údaráis Áitiúla Cheatharlach	Carlow Local Authorities	01/10/2008	
Oifig an Ard-Reachtair 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	
Gailearaí 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 Laoise	Laois Local Authorities	01/12/2009	
An Roinn Sláinte	Department of Health	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 Post, Fiontar agus Nuálaíochta **	Department of Jobs, Enterprise & Innovation	25/10/2010	

**\* Ag deireadh na bliana reatha ní raibh aon scéim teanga daingnithe don Roinn Ealaíon, Oidhreachta agus Gaeltachta ach bhí aighneachtaí á lorg d'ullmhú na scéime.**

**At the end of the current year the Department of Arts, Heritage and the Gaeltacht did not have a confirmed language scheme but submissions had been requested as part of the process to prepare that scheme.**

**\*\* Ar an 26 Lúnasa 2011, d'iarr an tAire Ealaíon, Oidhreachta agus Gaeltachta ar na comhlachtaí poiblí seo leasuithe a mholadh ar na scéimeanna teanga atá daingnithe i gcomhréir le fo-alt 16 d'Acht na dTeangacha Oifigiúla 2003.**

**On August 26th 2011, the Minister for Arts, Heritage and the Gaeltacht asked these public bodies to propose amendments to the confirmed language schemes in accordance with subsection 16 of the Official Languages Act 2003.**

#### **Dréachtscéimeanna le daingniú / Draft Schemes to be confirmed**

##### **An Chéad Scéim / First Scheme**

<b>Ainm an Chomhlachta Phoiblí</b>	<b>Name of Public Body</b>	<b>Dáta an Fhógra / Date Notice Issued</b>	<b>Tréimhse ó Dháta an Fhógra (míonna) / Period Elapsed from Date of Notice (months)</b>
Údaráis Áitiúla Thiobraid Árann Theas	South Tipperary Local Authorities	30/07/2006	65
An Ceoláras Náisiúnta	National Concert Hall	21/09/2006	63
Amharclann na Mainistreach (An Chuideachta Amharclann Náisiúnta Teoranta)	Abbey Theatre (National Theatre Society Ltd.)	21/09/2006	63

An tÚdarás Comhionannais	Equality Authority	21/09/2006	63
An Coimisiún um Scrúduithe Stáit	State Examinations Commission	21/09/2006	63
Institiúid Teicneolaíochta Thamhlachta	Institute of Technology, Tallaght	21/09/2006	63
Leabharlann Náisiúnta na hÉireann	National Library of Ireland	27/09/2006	63
Ard-Mhúsaem na hÉireann	National Museum of Ireland	27/09/2006	63
Suirbhéireacht Ordanáis Éireann	Ordnance Survey Ireland	27/09/2006	63
An Chomhairle Oidhreachta	Heritage Council	27/09/2006	63
Údarás Áitiúla Uíbh Fhailí	Offaly Local Authorities	10/06/2007	63
Feidhmeannacht na Seirbhíse Sláinte	Health Service Executive	10/06/2007	63
An Post	An Post	10/02/2009	35
Coláiste na hOllscoile, Baile Átha Cliath	University College Dublin	10/02/2009	35
Institiúid Teicneolaíochta Chorcaí	Institute of Technology, Cork	10/02/2009	35
Institiúid Teicneolaíochta Bhaile Átha Cliath	Institute of Technology, Dublin	10/02/2009	35
Oifig Thithe an Oireachtais	Office of the Houses of the Oireachtas	11/09/2009	28
Institiúid Teicneolaíochta Shligigh	Institute of Technology, Sligo	05/10/2009	27
Institiúid Teicneolaíochta Bhaile Átha Luain	Institute of Technology, Athlone	05/10/2009	27
Institiúid Teicneolaíochta Phort Láirge	Institute of Technology, Waterford	05/10/2009	27
Coiste Gairmoideachais Chontae Chill Dara	County Kildare Vocational Education Committee	05/10/2009	27
Coiste Gairmoideachais Chontae Chill Mhantáin	County Wicklow Vocational Education Committee	05/10/2009	27
Coiste Gairmoideachais Chontae na Mí	County Meath Vocational Education Committee	05/10/2009	27
Coiste Gairmoideachais Chontae Mhaigh Eo	County Mayo Vocational Education Committee	05/10/2009	27
Raidió Teilifís Éireann	Raidió Teilifís Éireann	05/10/2009	27



An tÚdarás um Bóithre Náisiúnta	National Roads Authority	05/10/2009	27
An Roinn Caiteachais Phoiblí agus Athchóirithe	Department of Public Expenditure and Reform	26/8/2011	4
An Roinn Leanaí agus Gnóthaí Óige	Department of Children and Youth Affairs	26/8/2011	4

### Dréachtscéimeanna le daingniú / Draft Schemes to be confirmed

#### An Dara Scéim / Second Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta Scéim in éag* Date Scheme Expires*	Tréimhse (míonna) ón Dáta Éaga / Period (months) from Date Expired
Oifig an Uachtaráin	Office of the President	27/04/2008	44
Oifig an Ombudsman & Oifig an Choimisinéara Faisnéise	Office of the Ombudsman & Office of the Information Commissioner	30/06/2008	42
An Chomhairle Ealaíon	The Arts Council	30/06/2008	42
An tSeirbhís Chúirteanna	The Courts Service	30/07/2008	41
Údarás Áitiúla Chontae Phort Láirge	County Waterford Local Authorities	31/07/2008	41
Údarás Áitiúla Chontae na Gaillimhe	County Galway Local Authorities	22/08/2008	40
Ollscoil na hÉireann, Má Nuad	National University of Ireland, Maynooth	18/09/2008	39
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	Galway-Mayo Institute of Technology	27/09/2008	39
Oifig na gCoimisinéirí Ioncaim	Office of the Revenue Commissioners	30/09/2008	39
Ollscoil na hÉireann, Gaillimh	National University of Ireland, Galway	30/09/2008	39
An tSeirbhís um Cheapacháin	Public Appointments Service	02/10/2008	39

Phoiblí			
An Roinn Oideachais & Scileanna	Department of Education & Skills	30/11/2008	37
An Roinn Airgeadais	Department of Finance	31/01/2009	35
Ollscoil Chathair Bhaile Átha Cliath	Dublin City University	02/04/2009	33
An Roinn Talmhaíochta, Bia agus Mara	Department of Agriculture, Food and the Marine	31/05/2009	31
An Roinn Dlí agus Cirt agus Comhionannais	Department of Justice and Equality	29/06/2009	30
Comhairle Cathrach Bhaile Átha Cliath	Dublin City Council	12/07/2009	30
Údarás Áitiúla na Mí	Meath Local Authorities	31/08/2009	28
Údarás Áitiúla Fhine Gall	Fingal Local Authorities	30/09/2009	27
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádirtha	Department of Communications, Energy & Natural Resources	01/10/2009	27
Banc Ceannais na hÉireann	Central Bank of Ireland	30/11/2009	25
An Roinn Gnóthaí Eachtracha agus Trádála	Department of Foreign Affairs and Trade	30/11/2009	25
Ollscoil na hÉireann, Corcaigh	University College Cork	30/11/2009	25
Comhairle Contae Bhaile Átha Cliath Theas	South Dublin County Council	19/12/2009	24
Údarás Áitiúla Mhaigh Eo	Mayo Local Authorities	21/12/2009	24
Comhairle Contae Liatroma	Leitrim County Council	31/12/2009	24
An Bord Seirbhísí Ríomhaire Rialtais Áitiúil	Local Government Computer Services Board	01/01/2010	24
An tÚdarás Clárúcháin Maoine	Property Registration Authority	01/04/2010	21
An Foras Riaracháin	Institute of Public Administration	09/04/2010	21
Coimisiún Forbartha an	Western Development	09/04/2010	

Iarthair	Commission		21
An Bord Seirbhísí Bainistíochta Rialtais Áitiúil	Local Government Management Services Board	22/04/2010	20
An Roinn Iompair, Turasóireachta agus Spóirt	Department of Transport, Tourism and Sport	29/04/2010	20
Coiste Gairmoideachais Chathair Chorcaí	Cork City Vocational Education Committee	29/04/2010	20
Oifig na nOibreacha Poiblí	Office of Public Works	07/05/2010	20
An Bord um Chúnamh Dlíthiúil	Legal Aid Board	27/05/2010	19
An Roinn Coimirce Sóisialaí	Department of Social Protection	31/05/2010	19
Coiste Gairmoideachais Chathair na Gaillimhe	Galway City Vocational Education Committee	31/05/2010	19
Údaráis Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	North Tipperary Local Authorities & County Tipperary Joint Libraries Committee	31/05/2010	19
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	Dún Laoghaire-Rathdown County Council	30/06/2010	18
Údaráis Áitiúla an Chláir	Clare Local Authorities	19/08/2010	16
Institiúid Teicneolaíochta Leitir Ceanainn	Letterkenny Institute of Technology	25/09/2010	15
Údaráis Áitiúla Chorcaí	Cork Local Authorities	30/09/2010	15
Comhairle Cathrach Luimnigh	Limerick City Council	30/09/2010	15
Údaráis Áitiúla Ros Comáin	Roscommon Local Authorities	30/09/2010	15
Údaráis Áitiúla na hIarmhí	Westmeath Local Authorities	30/09/2010	15
Comhairle Cathrach Chorcaí	Cork City Council	30/10/2010	14
Coláiste Oideachais Eaglais na hÉireann	Church of Ireland College of Education	31/10/2010	

			14
An Phríomh-Oifig Staidrimh	Central Statistics Office	04/11/2010	14
Údaráis Áitiúla Lú	Louth Local Authorities	19/11/2010	13
Teagasc	Teagasc	31/12/2010	12
An Foras Áiseanna Saothair (FÁS)	The Training and Employment Authority (FÁS)	01/01/2011	12
An Crannchur Náisiúnta	The National Lottery	01/01/2011	12
Comhairle Contae Luimnigh	Limerick County Council	31/01/2011	11
An Coimisiún Reifrinn	The Referendum Commission	06/03/2011	10
Bord Soláthar an Leictreachais	Electricity Supply Board	17/03/2011	10
An tÚdarás um Ard-Oideachas	Higher Education Authority	01/06/2011	7
Údaráis Áitiúla Chontae Mhuineacháin	Monaghan Local Authorities	01/06/2011	7
Comhairle Cathrach Phort Láirge	Waterford City Council	01/06/2011	7
Leabharlann Chester Beatty	Chester Beatty Library	15/06/2011	7
Údaráis Áitiúla an Longfoirt	Longford Local Authorities	01/07/2011	6
An Bord um Fhaisnéis do Shaoránaigh	Citizens Information Board	07/07/2011	6
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	Office of the Director of Corporate Enforcement	14/07/2011	6
Údaráis Áitiúla Chontae Chill Dara	Kildare Local Authorities	08/09/2011	4
Coiste Gairmoideachais Chontae Átha Cliath	County Dublin Vocational Education Committee	01/10/2011	3
Údaráis Áitiúla Cheatharlach	Carlow Local Authorities	01/10/2011	3
Oifig an Ard-Reachtair Cuntas & Ciste	Office of the Comptroller & Auditor General	19/01/2012	-
Coiste Gairmoideachais Chontae Chorcaí	County Cork Vocational Education Committee	01/02/2012	-
An Binse Comhionannais	The Equality Tribunal	01/02/2012	-

Gailearaí Náisiúnta na hÉireann	National Gallery of Ireland	01/03/2012	-
Bord Scannán na hÉireann	Irish Film Board	27/04/2012	-
An Garda Síochána	An Garda Síochána	28/05/2012	-
Údaráis Áitiúla Chill Mhantáin	Wicklow Local Authorities	25/05/2012	-
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	Companies Registration Office & Registry of Friendly Societies	26/05/2012	-

### Dréachtscéimeanna le daingniú / Draft Schemes to be confirmed

#### An Tríú Scéim / Third Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta Scéim in éag* Date Scheme Expires*	Tréimhse (míonna) ón Dáta Éaga / Period (months) from Date Expired
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	Office of the Commission for Public Service Appointments	11/5/2012	-

\* Nuair a théann scéim “in éag” (fo-alt 15(1) d’Acht na dTeangacha Oifigiúla), fanann forálacha na scéime i bhfeidhm go dtí go ndaingnítear scéim nua (fo-alt 14(3) den Acht).

\* 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).

## COMPLAINTS

There was an increase of 5% during 2011 – from 700 in 2010 to 734 in 2011 – in the number of new cases which were brought to my attention 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 mechanism operated by my Office or through providing advice to the complainants. An overview is provided in the next chapter of a small number of sample cases which were resolved in this manner. I am grateful for the cooperation my Office received in dealing with cases in that way. Summaries of cases which were not resolved in this manner and in respect of which formal investigations were launched are provided in the chapter of this Report entitled “Investigations”.

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.

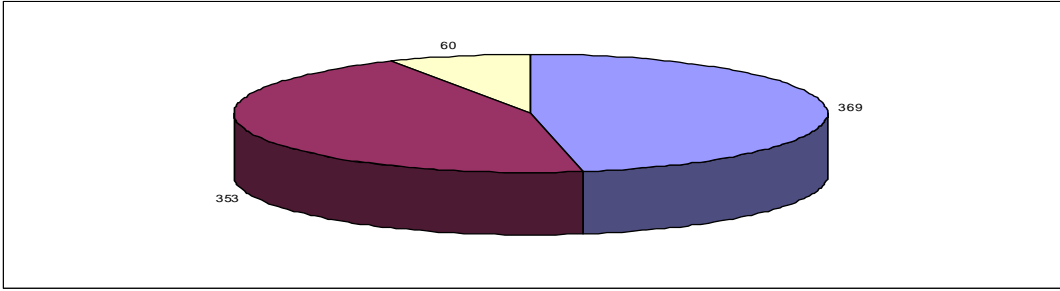
From a geographical perspective, the majority of the complaints once more came from County Dublin – 50% of the complaints. A substantial amount also came from County Galway (12.5%), County Kerry (6.5%), County Clare (5.5%), County Donegal (4.5%), and County Cork (4%). 21% of complaints came from within the Gaeltacht with the remaining 79% from areas outside the Gaeltacht

## COMPLAINTS: DIFFICULTIES AND PROBLEMS – STATISTICS

### Complaints during 2011

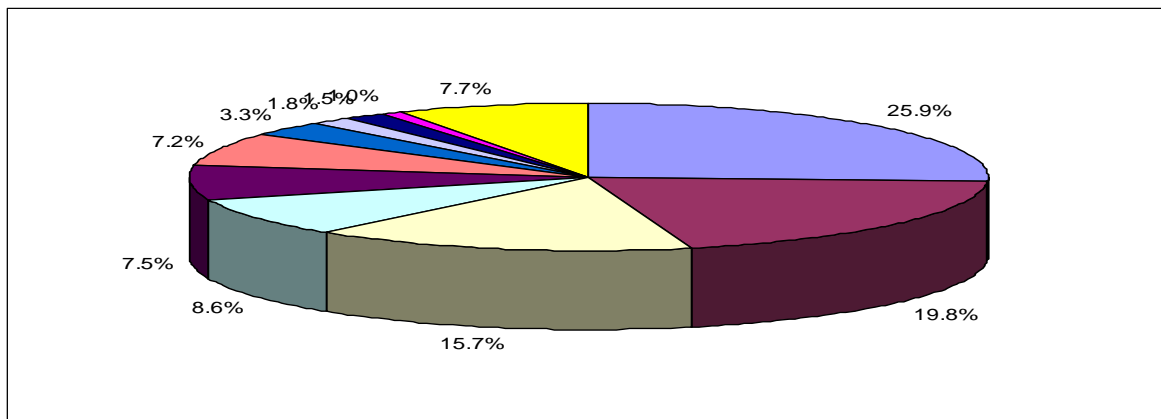
New complaints 2011	734
Complaints brought forward from 2010	<u>48</u>
<b>Total complaints – problems and difficulties</b>	<b>782</b>

	<b>2010</b>	<b>2011</b>
Advice given in respect of complaints	333	369
Complaints investigated and finalised	360	353
Complaints open at year end	48	60



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

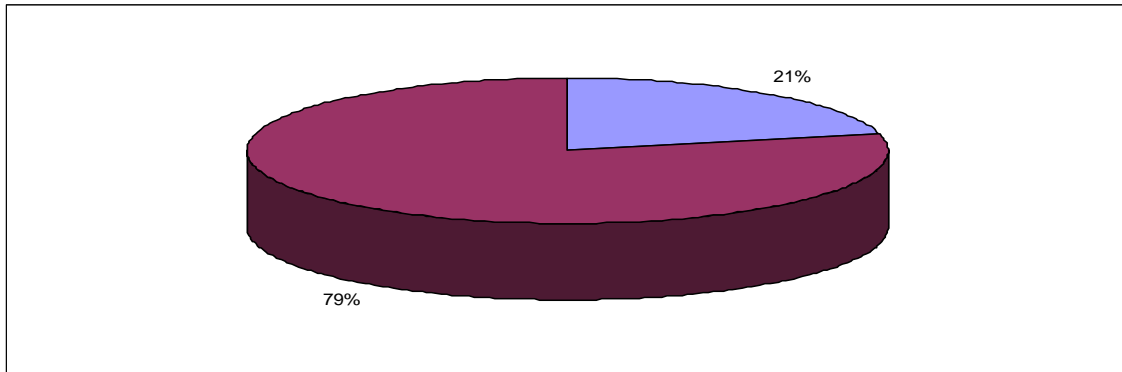
Percentage of complaints by type	2010	2011
Provision of a language scheme (including identity cards, Websites and forms)	23%	25.9%
Lack of Irish on signage and stationery	22.5%	19.8%
Lack of Irish on road signs	17%	15.7%
Problem with use of name and/or address in Irish	9%	8.6%
Replies in English to correspondence in Irish	5%	7.5%
Other enactments relating to the use or status of Irish	4%	7.2%
Leaflets or circulars in English only	3%	3.3%
Publications in English only	1.5%	1.8%
Section 32/33 – Gaeltacht Placenames	2%	1.5%
Section 8 – The Courts/Administration of Justice	1%	1.0%
Other (individual issues)	12%	7.7%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>





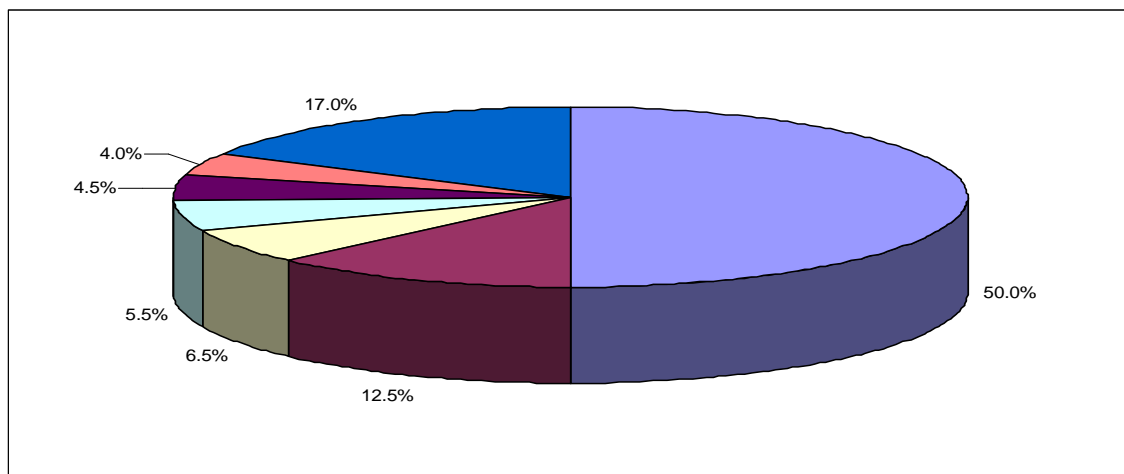
**Complaints: Gaeltacht and non-Gaeltacht**

	<b>2010</b>	<b>2011</b>
Gaeltacht	18%	21%
Non-Gaeltacht	82%	79%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>



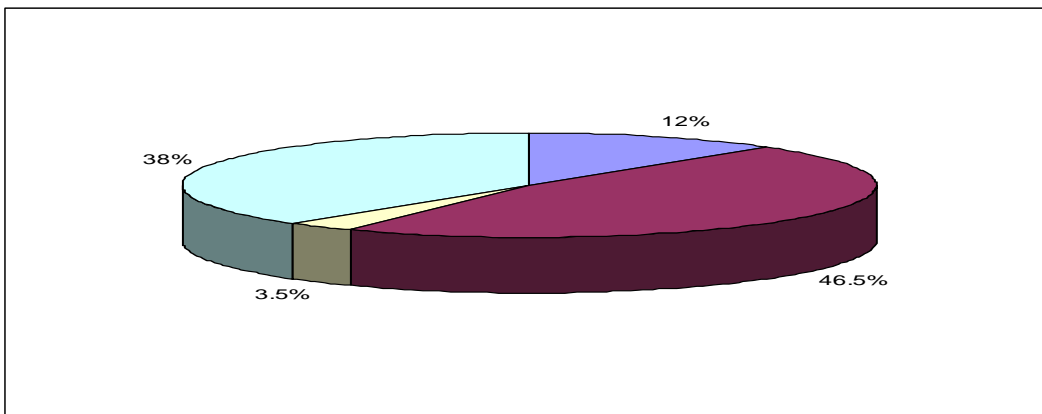
### Complaints by county

	2010	2011
Dublin	41%	50%
Galway	9%	12.5%
Kerry	6%	6.5%
Clare	9.5%	5.5%
Donegal	4%	4.5%
Cork	4%	4.0%
Other	26.5%	17.0%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>



### Complaints by type of public body

	2010	2011
Government departments & offices	12%	16.5%
Local authorities	46.5%	39.5%
Health authorities	3.5%	5.0%
Other state organisations	38%	39.0%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>



## **tatistics**

As the above statistics show, the largest number of complaints (25.9%) related to the implementation of commitments made by public bodies in statutory language schemes agreed under section 11 of the Act. There was a decrease from 22.5% to 19.8% 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 an increase in the percentage of complaints relating to a breach of the provisions of other enactments which concern the status or use of Irish, from 4% to 7.2%. Of course, complaints relating to the use of Irish on road signs belong by right to this category, but this is generally provided as an independent figure: 15.7% of complaints related to the use of Irish on traffic signs, a small reduction on last year's figure. The obligations on road authorities in respect of road traffic signage are set out in the Traffic Signs Manual (a new version of which was published in February 2011, dated November 2010).

There was a small decrease in 2011, to 8.6%, in the percentage of complaints regarding problems with the use of names and addresses in Irish. 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 an increase in complaints with regard to replies in English to correspondence in Irish, from 5% in 2010 to 7.5% in 2011. There were also a number of complaints with regard to leaflets or circulars in English only (3.3%) and Gaeltacht placenames (1.5%).

The following chapter on Sample Cases provides an overview of a small number of the matters brought to my attention which were resolved through the informal complaints system operated by my Office.

## SAMPLE CASES

The vast majority of complaints made to the Office of An Coimisinéir Teanga are resolved through the informal complaints resolution process operated by the Office. The following is an overview of a small number of the many cases resolved in this manner.

- A local authority in a county containing a Gaeltacht area confirmed that it would use the official Irish language versions of Gaeltacht placenames instead of the unofficial English language versions.
- A public body modified the design of its travel tickets to a bilingual format in order to comply with language legislation, and committed to using the new tickets as soon as the present stock was exhausted.
- The staff of a public body was reminded that it was contrary to the organisation's policy to overwrite addresses in Irish with English versions on envelopes to be delivered to members of the public.
- A local authority amended a road sign which had the following Irish inscription: "Cosc AnIontrail Ach Amhain Feithiclí Earral Amháin".
- A public body accepted that it was a breach of its statutory obligation to offer forms in English only to the general public when a commitment had been made in its language scheme that a choice of the Irish or English versions of the forms would be pro-actively offered, and appropriate arrangements for compliance were made.
- An amended death certificate was issued when a family requested a bilingual version in place of the English only version which it had initially received.
- A government department provided the opportunity for the general public to apply in Irish to an on-line competition that was being organised on its website.
- A sign on a national route which gave "Gach sa Lana" as an Irish translation for "Get in Lane" was corrected.
- Material for "Project Maths" was provided in Irish for Irish-medium and Gaeltacht schools.
- A public body confirmed that proficiency in Irish would be a requirement in the appointment of temporary guides for their Gaeltacht sites from 2012 onwards.
- An Irish language version of an important education circular to schools was provided a fortnight after its issuance in English.
- A procedure was established in a section of a government department to ensure that correspondence written in the Irish language would not in future be replied to in English nor any part of an address translated into English.
- The nameplates of roads in a housing estate which were in English only were replaced with bilingual nameplates.
- A public body apologised for failing to fulfil its statutory language obligations by issuing an electronic mail-shot in English only to all its customers, including customers who had registered to do their business through Irish, and the mail-shot was re-issued bilingually.
- A document issued by a public body directing that requests for tender would be accepted in English only was amended to allow for applications in Irish also.
- A public body confirmed that its computer system had been modified to allow for the issuing of bilingual receipts instead of English only receipts.
- A government department sanctioned an extension to the time- period permitted for accepting submissions from the public, as part of a consultative process, because of a delay in providing an Irish language version of recommendations to be considered by the general public.

- A public body apologised for erecting new signs in English only in Gaeltacht areas and replaced them with bilingual signs.
- A passport was issued in the Irish language version of a name when the appropriate proof of regular usage of that version was provided.
- A public body amended its electronic billing system to make the Irish language version readable to customers who choose to do their business in that language.
- A public body reregistered a person's name in Irish in their database having previously translated that person's name to English without permission.
- A local authority amended its interactive system for paying bills to a bilingual system after it was changed to a monolingual English system during an upgrading process.
- A local authority erected 190 bilingual traffic signs to replace signs that were in English only, to comply with the directions in the Traffic Signs Manual.
- A government department provided an Irish language version of an on-line interactive service, in place of an English only service it had launched; the department had committed in its statutory language scheme to provide such a service bilingually.
- Members of staff in a local authority were informed of the availability of receipts in Irish for issue to Irish language customers.
- A meeting was organised through the medium of Irish between representatives of a government department and a campaign group in the Gaeltacht.
- A local authority apologised to a complainant that service in Irish was not provided to him when he visited one of their offices and staff in that office were reminded of their obligations in respect of offering services through Irish.
- A public body changed various signs where the Irish text was incorrect, for example the word "Cóisti" instead of "Cóicthe" and "Clárú" instead of "Sinim".
- A compromise was reached with a public body using the English versions of the country's Gaeltacht placenames as a default in a database and people were provided with the opportunity of choosing to use the Irish language version of their address if they so wished.
- A public body accepted that it had failed in its statutory obligations by issuing a mail-shot in English only to houses throughout the country providing information to a class of the public in general, and confirmed that this communication would be bilingual in future.
- A public body accepted that it was a breach of its statutory language obligations in using envelopes with the headings of stationery in English only at a time when the two year derogation for the usage of existing stock had elapsed, and it was arranged that bilingual versions would be used in future.
- A local authority accepted that signs it had erected in connection with traffic arrangements for St. Patrick's Day should be bilingual instead of the monolingual English signs that were in use, and additional Irish language signs were erected to ensure equality.
- A government department confirmed and proved that a delay in processing a complainant's application was not due to his language choice.
- A government department ensured that an oral appeal to be made by a member of the public against a decision of the department would be heard in Irish despite the fact that a written communication in Irish from him had been responded to in English, and an apology was made to him for that breach.
- A public body performed an audit on signage on its campus to ensure it was compliant with statutory language requirements when a complaint was made that certain signs were in English only.

- A government department ensured that a qualified translator would be used in future to translate standard letters to Irish instead of accepting the efforts of a member of staff with little Irish.
- A local authority erected pictograms showing children crossing the road in place of traffic signs in English only.
- An educational authority accepted that the statutory language provisions were breached by some of its stationery headings and it ensured that any stationery subsequently ordered would be compliant with the statutory requirements.
- ‘Human error’ was cited as the excuse in a case where a public body issued a response in English to a communication in Irish to the same customer for the second successive year, after a system had been put in place the previous year to ensure this wouldn’t happen again.
- A local authority accepted that it had breached a commitment made in its language scheme by not providing certain pages of its website in Irish, and arranged to make them available immediately.
- An agreement was reached with a local authority that any signs to be erected in future in respect of road closures would be in Irish or bilingual.
- A public body confirmed that its name in Irish would be shown with its name in English on its stationery in the future to ensure compliance with statutory language requirements.
- A public body confirmed that mailshots to every parent in a certain area would issue bilingually in future.
- A public body accepted that a language obligation confirmed in its language scheme had been breached by the failure to provide an Irish version of the registration page of an on-line system it operates, and the appropriate amendments were made.
- A government department confirmed that it always adhered to the versions of addresses provided to it by its customers and that Gaeltacht addresses were not automatically translated to English.
- A cross-border body put appropriate arrangements in place to ensure that correspondence in Irish would be responded to in that language in future.
- A local authority provided text in Irish on electronic signage in a Gaeltacht area instead of text in English only.
- An educational authority apologised for issuing a response in English to a written communication in Irish and appropriate arrangements were put in place to ensure that such a breach of language rights did not reoccur.
- A health authority recognised the right of an individual to use the Irish version of their name for official purposes when evidence was provided that it was the version in common use by the individual.
- A government department amended its system to ensure that the Irish version of a particular form issued automatically on a regular basis to a client whose language choice was Irish in place of the English version which had been issued heretofore.
- A health authority accepted that it had breached the legislation when it issued an English only version of a mailshot to schools in its functional area, and an Irish version was issued.
- An Irish version of a website was provided in compliance with a commitment in a language scheme.
- A public body accepted that there was an obligation on both itself and a company acting on its behalf to ensure that a mailshot issued to a class of the general public was in Irish/bilingual.
- A county council agreed to provide additional information in Irish on its website in order to comply with the commitment set out in its language scheme.

- A government department confirmed that it had no difficulty providing an Irish language service in a certain Gaeltacht area when aware of the language choice of a customer, and supplied contact details of a native Irish-speaking staff member who would provide that service.
- A government department confirmed that an Irish version of a mailshot was available to the general public and apologised for the fact that an English version only had issued in a certain area due to human error.
- A public body accepted that it had a statutory obligation confirmed in its language scheme to provide an Irish version of an electronic interactive service, and committed to providing that service by the end of January 2012.
- It was confirmed that a system was in place to issue Irish versions of summonses on request.
- A government department confirmed that Irish language services were available from a local office and that a client's language choice had not in any way affected the manner in which his case was dealt with.
- A local authority took down signs in English only that were in use during road works in the heart of a Gaeltacht area and confirmed that bilingual signs would be used in future.



## INVESTIGATIONS

An investigation is an official inquiry 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 Arts, Heritage and the Gaeltacht, 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 15 new investigations were commenced in 2011. One uncompleted investigation was carried forward from 2010. Consequently, there were 16 investigations in hand during 2011 and four of those investigations had not been completed by the end of the year. Therefore, summaries are provided in this Report of 12 investigations.

<b>Number of Investigations</b>	<b>2010</b>	<b>2011</b>
Brought forward from previous year	1	1
Investigations launched	<u>11</u>	<u>15</u>
Total in hand	12	16
Brought forward to next year	<u>1</u>	<u>4</u>
<b>Total completed / discontinued</b>	<b>11</b>	<b>12</b>

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 2011 INVESTIGATIONS**

### **An Garda Síochána**

An investigation found that An Garda Síochána did not comply with its statutory duties where members of the force stationed in a Gaeltacht are aware not sufficiently competent in Irish to carry out their duties with ease in that language.

The investigation concluded that there had been a breach of subsection 33(2) of the Garda Síochána Act 2005 which imposes an obligation on the Garda Commissioner to ensure, to the extent practicable, that members stationed in a district which includes a Gaeltacht area are fluent in the Irish language. There was also a breach of a statutory commitment in the language scheme of An Garda Síochána, made under the Official Languages Act, which requires members of the force stationed in Gaeltacht areas to have the necessary qualifications in Irish.

The complainant – a native Irish speaker from the Gaeltacht for whom Irish was his language of choice – visited the Garda station at An Bun Beag/Doirí Beaga (Gaoth Dobhair), Co. Donegal around midday on November 24th 2010. The Garda on duty, while courteous, explained that he did not have sufficient Irish to be able to conduct business in that language.

When the Office of An Coimisinéir Teanga tried to resolve the matter informally, the Garda authorities indicated that only one of the nine members assigned to that station could carry out his duties with ease through Irish. A formal investigation ensued at that stage.

During the course of the investigation, both written communications and meetings took place between the Office of An Coimisinéir Teanga and senior management of An Garda Síochána. When An Garda

Síochána indicated that the number of Gardaí with Irish in the station had been increased to three (and that a fourth would be assigned there shortly) it was decided, in late April 2011, to temporarily set aside the investigation to permit An Garda Síochána to draft and implement a plan which would achieve the objective that Gardaí serving in that Gaeltacht station would have the appropriate level of fluency in Irish.

By late summer 2011, when it appeared to An Coimisinéir Teanga that little progress had been made, he decided to resume the formal investigation. In the meantime, the original complainant had difficulty conducting his business through Irish in the same station several times. It was only through the intervention of the Office of An Coimisinéir Teanga that a meeting was arranged for him with an Irish-speaking Garda.

As part of the investigation, a letter was received from an Assistant Commissioner of An Garda Síochána in December 2011 which stated with regard to the Garda station at An Bun Beag/Doirí Beaga that:

"The Garda Síochána's Irish Language Implementation Committee have met with the Superintendent at Glenties, Co. Donegal, who has responsibility for the Bunbeag Garda Station, to ensure the importance of the availability of Irish speakers is fully appreciated. An assurance has been given to the Committee that there are competent Irish speakers available in the District to transact business with the community through the medium of the Irish language."

"There are currently nine (9) members of An Garda Síochána stationed in Bunbeag Garda Station, who have successfully passed the oral Irish examination [in Templemore] as part of their training. In addition there are approximately 100 Gardaí across the Donegal Division who have made themselves available to work through the medium of the Irish language as the need arises."

In addition, reference was made to bilingual signs provided in Gaeltacht Garda stations to indicate that an Irish-speaking member would be made available in cases where the Garda on duty is not fluent in Irish. There was a reference to the provision of further training in Irish when funding would become available, and also to the inclusion of language requirements when Gardaí were being allocated to stations as soon as the recruitment moratorium comes to an end.

It appeared to the investigation that this letter did not go far enough in addressing the core issue at the root of the problem.

It is clear that the provision in subsection 33(2) of the Garda Síochána Act requires that Gardaí dealing with people in the Gaeltacht have a particular proficiency in Irish so that they can use the language without difficulty while performing their duties:

"The Garda Commissioner shall, to the extent practicable, ensure that members of the Garda Síochána stationed in a district that includes a Gaeltacht area are sufficiently competent in the Irish language to enable them to use it with facility in carrying out their duties." [Sub-section 33(2) of the Garda Síochána Act.]

This is not a new statutory obligation as there was a similar provision in the founding legislation, the Garda Síochána Act 1924. If the Garda Commissioner is not going to comply with this obligation in a particular case, or in certain cases, he is required to be able to demonstrate that he tried to comply with it “to the extent practicable”, i.e. that he made proactive efforts to comply and that this proved impossible.

There is a further statutory provision at issue here – a statutory commitment given in subsection 3.11 of the Garda Síochána Language Scheme 2009–2012: “All personnel being allocated to Stations in the Gaeltacht will have the necessary qualifications in Irish.”

The investigation considered that it was not sufficient to claim that personnel “successfully passed the oral Irish examination as part of their training in Templemore”. All of the nine Gardaí assigned to An BunBeag/Doirí Beaga had successfully passed this examination when the complaint first arose and yet it was freely acknowledged that eight of the nine were unable to deal with a member of the public through Irish. There is a huge difference between that level of language ability and the standard required by subsection 33(2) of the Act: that members be sufficiently competent in the Irish language to enable them to use it with facility in carrying out their duties.

No argument was made that there were insufficient numbers of Gardaí available to the Commissioner, from among the c.13,000 members of the force, having the necessary competence in the language to properly comply with the statutory obligations. In fact, it was stated, as an example, in a report to the investigation, that there was 100% compliance with this provision at stations in the Connemara Gaeltacht.

The investigation did not consider that the problem could be resolved by offering Gardaí further training in Irish at some later time in order to meet the statutory requirement.

The investigation pointed out that the status of Irish as a community language in the Gaeltacht was more vulnerable now than at any time in the past and that the State can hardly expect the Irish language to survive as a community language in the Gaeltacht if it continues to require people in those areas to carry out their business with the State through English.

The investigation was of the opinion that members of An Garda Síochána, because of their authoritative role in any community, have a particular importance and standing in an area and are often held in high esteem.

Just as An Garda Síochána expects the general public to comply with the law of the land, so also must An Garda Síochána comply with the law, including the statutory provisions relating to the Irish language.

The investigation found that members of the force, without the necessary level of fluency in Irish, were stationed in a district that included a Gaeltacht area. It also found that the Garda Commissioner did not ensure, to the extent practicable, that Gardaí with the necessary competence in Irish were stationed there and therefore that the Garda Commissioner had breached the statutory obligation set out in subsection 33(2) of the Garda Síochána Act.

In addition, because Gardaí without the necessary fluency in Irish were assigned to the Garda station in An Bun Beag/Doirí Beaga after May 28<sup>th</sup>2009, the date on which the force’s language scheme under the Official Languages Act was confirmed, the investigation found that An Garda Síochána had also breached the statutory commitment given in subsection 3.11 of that scheme.

No fault was found with any of the individual Gardaí stationed in the district in question. They were not responsible for the statutory breach; that was the responsibility of the authorities acting on behalf of the Garda Commissioner who decided to station them there, even though they did not have the necessary competence in Irish.

An Coimisinéir Teanga recommended that the Garda Commissioner take all necessary steps to ensure that the Gardaí stationed in An Bun Beag/Doirí Beaga have the required fluency in Irish. He recommended that the Garda Commissioner should achieve full compliance with the appropriate language legislation as soon as possible, on a phased basis, but at the latest, in so far as it related to the Garda station at An Bun Beag/Doirí Beaga, within a period of nine months.

He recommended that the findings and recommendations of the investigation should not be used as an excuse to reduce the provision of a proper policing service to the area in question. He also recommended that An Garda Síochána operate an appropriate language appraisal system to assess the fluency of members when it was proposed to station them in a district that included a Gaeltacht area. Finally, he suggested that An Garda Síochána examine whether the findings of this investigation had implications for all Garda Síochána districts which include Gaeltacht areas and, if so, that the Garda authorities ensure that they address any such issues of compliance with the statutory language duties.

**Investigation launched: 18 February 2011**

**Report issued: 28 December 2011**

### **Department of Social Protection**

Two separate investigations found that, in the case of two named officials, the Department of Social Protection did not comply with its statutory language obligations with regard to the award of bonus marks for proficiency in Irish and English in internal promotion competitions.

The system for the awarding of bonus marks for proficiency in the two languages was established in 1975 to replace the previous system of “compulsory” Irish.

The complainants in both cases believed that they were entitled to bonus marks for language proficiency as set out in Circulars 43/75 and 30/90 of the Department of Finance, but no such marks are awarded to them. Neither official succeeded in progressing to the final panels in the promotion competitions and it was only at this final stage, when the order of merit on the panels was being decided, that the Department proposed to award the bonus marks.

The first investigation on this issue was commenced at the end of 2010, and the second in May 2011. The investigations were conducted to establish whether or not the Department of Social Protection was in breach of its statutory language obligations as alleged in these cases.

The two cases under investigation differed in that the initial case comprised a written examination as a first step followed by a competitive interview, while the second case involved a preliminary interview followed by a final interview. This difference in arrangements had no material bearing on the matter as it is clearly stated in section 4 of Circular 30/90 that: “The above arrangements will apply to all confined promotion competitions whether they are by way of interview or written examination.”

The Department argued that it had not breached its statutory language obligations as government departments were not obliged to award bonus marks for language proficiency in internal competitions; and, where bonus marks were awarded in internal competitions, they were granted in the same manner as in inter-departmental competitions, i.e. the bonus marks were awarded when setting out the order of merit on the final panel. They indicated this was also the Department of Finance's position, as expressed in a letter of 4 November 2005 to Personnel Officers.

The Department said that it was its custom and practice "for many years to award credit for language competence in line with the provisions of the circulars, except in a small number of special competitions, e.g. IT posts or posts with a specialist allowance." (translation).

The Department indicated that it routinely issued an office notice for all internal competitions setting out the requirements and conditions of the competition, including the necessary qualifications, and also the selection, application and appointment processes. The Department indicated that it conducted its internal competitions in accordance with the "Code of Practice: Appointment for Positions in the Civil and Public Service", published by the Commission for Public Service Appointments.

The investigations found as follows:

- That it is a statutory requirement for government departments (including the Department of Social Protection) to award bonus marks for language competence in internal competitions as set out in circulars 43/75 and 30/90. (Laffoy J. deals comprehensively with this matter and with the operation of circulars 43/75 and 30/90 in *De Búrca v. An tAire Iompair agus eile* [2006].)
- That it would be ultra vires for the Department of Social Protection to amend, on its own initiative, by means of an office notice, the provisions of circulars which secure rights for individuals when those circulars have been issued by a specific Minister by virtue of and pursuant to powers conferred by section 17 of the Civil Service Regulation Act.
- That the relevant circulars do not permit the restriction of bonus marks only to those who secure a place on the final panel.
- That subsection 1(d) of Circular 43/75 clearly directs that "A knowledge of Irish will, however, be one of the factors which will be assessed in selecting staff for promotion."
- Where bonus marks are not awarded to a suitably qualified person, that person's rights are contravened.

It appeared to the investigation that it was not sufficient for the Department to offer as justification that the custom and practice of the Civil Service, or the Code of Practice of the Public Service Commission, were being adhered to if these procedures were in conflict with the statutory provisions.

The investigation found that the Department had a statutory duty to award bonus marks for competence in Irish and English to the complainants. No discretion attached to this.

The complainants' competence in Irish was not taken into account in the selection process for promotion in these competitions. This is a breach of the obligations set out in circulars 43/75 and 30/90 and it is also an infringement of rights when a person is denied a benefit due to them by statute. As was determined by Costello J. in *Gilheaney v. the Revenue Commissioners*: "when a statute confers a power on a minister to grant a benefit to some person and that power is exercised it also confers a corresponding right on that person to receive the benefit."

The investigations recommended that the Department revise the results of these two promotional competitions to ensure that bonus marks for proficiency in both Irish and English were properly awarded to the complainants and also that the complainants should receive any benefit which might arise from the revised marking.

The investigations also recommended that the Department ensure that the provisions of the relevant circulars were fully applied in future in all its promotion competitions.

Additionally, it was recommended that the Department inform the Minister for Public Expenditure and Reform, the Public Appointments Service and the Public Service Appointments Commission of the findings and recommendations of the investigations.

The Department did not appeal these decisions to the High Court on a point of law as it is permitted to do, but neither did it implement there commendations of the investigations. As a result, it became necessary to report to the Houses of the Oireachtas, under subsection 26(5) of the Official Languages Act, the Department's decision not to implement there commendations of the investigations.

**First investigation launched: 22 December 2010**

**First report issued: 21 March 2011**

**Second investigation launched: 20 May 2011**

**Second report issued: 23 June 2011**

### **State Examinations Commission**

An investigation found that the State Examinations Commission has a statutory duty under the Education Act 1998 to provide Irish versions of marking schemes to examiners undertaking the correction of Junior Certificate examination papers answered in Irish.

The investigation was launched as a result of a complaint made by a secondary school principal that Irish language versions of the marking schemes were not available. The schemes were routinely provided in English to schools teaching through English, but only English versions were available to recognised schools teaching through Irish.

An investigation in 2007 found that the State Examinations Commission had breached its statutory language obligations as set out in the Education Act 1998 by failing to provide Irish versions of marking schemes for Leaving Certificate examination papers answered in Irish. The Commission accepted the decision and recommendations of An Coimisinéir Teanga in 2007 and did not appeal the matter to the High Court on a point of law.

If it is accepted that there is a statutory duty to provide Irish language versions of marking schemes for Leaving Certificate examinations answered through Irish – and this issue is not in doubt – then clearly the same statutory duty applies in the case of the Junior Certificate examination.

The State Examinations Commission put forward arguments denying, inter alia, that such a statutory duty existed and claiming that costs and resources (both financial and staff resources) needed to be

taken into account. The Commission also suggested that a significant additional risk of error would be involved if Irish language versions had to be provided.

The Commission also made the case that the Junior Certificate examination is not nearly as important as the Leaving Certificate and is dealt with in a different manner. In addition, it was suggested that very significant amendments would soon be made to the Junior Certificate examination and its assessment system.

The investigation considered that the Commission had a statutory duty to provide this support service through Irish as it was already provided through English and that various arguments in relation to lack of resources or other risks were not sufficient to amend, reduce or terminate the statutory obligation confirmed in law by the Houses of the Oireachtas. However, these arguments were taken into account in framing their commendations made as a result of the investigation.

The legal arguments were based on the interpretation of section 7 of the Education Act 1998. The case can be made that the Minister for Education and Skills has discretion in the provision of support services generally under section 7(1)(a) and section 7(2)(a) in accordance with the resources available (section 7(4)(a)(i)). If it is decided, however, to provide certain support services under these sections, it is clear that there is a statutory obligation to provide the same support services through Irish under section 7(2)(d).

An Coimisinéir Teanga recommended that compliance with its statutory obligations would require the State Examinations Commission to provide examiners with the correct Irish language versions of marking schemes in the case of every subject answered through Irish in the Junior Certificate examination and also that the Irish language versions be made available to the public on the Commission's website at the same time as the English versions.

In recognition of the case made by the Commission in relation to its practical difficulties, but without prejudice to the full compliance required by subsection 7(2)(d) of the Education Act, An Coimisinéir Teanga made recommendations that would allow the Commission to spread the costs of compliance out over a period of time.

He recommended that, where the Irish version of a marking scheme was not the original document, that the Irish version should be an "official translation", but that the Commission should set out a protocol to avoid difficulties in exceptional cases where a discrepancy might arise between the two versions. He recommended also that the marking schemes through Irish be provided firstly in the subjects most frequently answered through Irish: they should be provided for at least four subjects for the year 2012 and for at least eight subjects for the year 2013 and for each subsequent year until the start of the examinations under the proposed new system.

**Investigation launched: 16 March 2011**

**Report issued: 15 July 2011**



## **Office of Public Works**

An investigation found that the Office of Public Works (OPW) failed to comply with its statutory language obligations as set out in subsection 9(1) of the Official Languages Act with regard to the use of the official languages (Irish and English) on new stationery and new signs erected after March 1st 2009.

It emerged as a result of an audit by the Office of An Coimisinéir Teanga, as part of its monitoring obligations under the Official Languages Act, that the OPW was using stationery and signage that appeared to breach the statutory provisions regarding the use of the official languages.

However, the OPW did not accept that it had breached the regulations (S.I. No. 391 of 2008) made under subsection 9(1) of the Official Languages Act.

The regulations provide that where a public body, such as the OPW, proposes to use the two official languages of the State – Irish and English– on stationery and signage, that it must comply with certain provisions in relation to visibility, legibility, font size, equality of information, etc. There is a specific provision stating that the Irish language has priority, i.e. “the text in the Irish language shall appear first.”

The OPW had continued to give priority to the name of the public body in English on its stationery and signage.

The Office of An Coimisinéir Teanga cannot offer any derogation from these statutory provisions and the Office is obliged to ensure that public bodies comply with them. Were it to be accepted that the OPW did not need to comply, a precedent would be created that would allow other public bodies to breach the regulations.

It was argued that the name of the public body was an integral part of the graphic or logo and therefore exempted from the statutory language obligations in accordance with an exemption given for ‘logos’ in subsection 9(1)(b)(iv) of the regulations.

The investigation did not accept this argument as there is a provision in the regulations which exempts the name of a company from the regulations except where the name is that of a public body.

While some may see this case as of minor importance, it has significance in that it creates a precedent and should ensure there is no misinterpretation of the exemptions under the regulations such as might cause the Irish versions of names of public bodies to be omitted completely from signs and stationery.

It has further significance – the OPW, because of its wider responsibilities, provides signage for many public bodies throughout the country and therefore it is important that the organisation has a clear understanding of the language legislation.

An Coimisinéir Teanga found that the OPW is obliged to comply with the statutory regulations but stipulated that particular care should be taken to ensure that no additional costs arose for the organisation in ensuring compliance.

He recommended that the OPW should utilise fully the stock of stationery currently in its possession and should apply amendments, giving priority to the Irish version of the name of the public body, to any new stock and to any new signage not yet ordered or held by the OPW when the report of the

investigation was issued. He also recommended the official address of the public body in Irish be changed from “Sráid Jonathan Swift Street” to “Sráid Jonathan Swift.”

**Investigation launched: 8 April 2011**

**Report issued: 9 June 2011**

### **Dún Laoghaire–Rathdown County Council**

An investigation found that Dún Laoghaire–Rathdown County Council contravened its statutory language obligations as set out in the Traffic Signs Manual when it marked placenames in English only on the surface of the road in the Sandyford, Stepside, and Glencullen areas.

The investigation arose from a complaint made in October 2010. The Traffic Signs Manual directs that the information on the road surface should be the same as on the advance signs. Therefore, the information should be bilingual, as the placenames on directional signs are bilingual. Although this obligation was not very clearly specified in the Manual of 1996, the point is clarified and reinforced in the latest edition of the Manual where it is stated that “the need to provide bilingual information make the use of place names on the carriageway impracticable”.

The Council did not accept it had breached its statutory language obligations. In response to the investigation, the Council claimed that “there is no general requirement for road markings to be bilingual” and the Council believed “that, in reality, it might confuse drivers” (trans.) if bilingual signs were used.

The Council also argued that the information on the road surface was not the same as the information on the advance signs: “No road markings, such as M50 (N), S’FORD, CITY, K’Gobbin are shown on the advance directional signage. The Council’s position is that – although the road markings may technically contravene the Traffic Signs Manual since they do not repeat the information on the directional signage – they do not breach the Official Languages Act 2003 as there is no obligation to have them bilingual.”(trans.)

The investigation found that, as the Council said, the information in English on road surfaces was not the same in all cases as that on the directional signs and therefore the markings were at odds with the instructions in the Manual. However, the Office of An Coimisinéir Teanga is not concerned with monitoring the compliance of the Council with the provisions of the Traffic Signs Manual, except in so far as it relates to the Irish language.

Compliance would not be achieved by producing Irish versions of signs that already contravene other rules. This would only result in a breach of the regulations in the two official languages of the State. The investigation considered that the road markings should be bilingual and fully in accordance with the Traffic Signs Manual.

The Manual contains the very sensible recommendation that in certain cases only road numbers should be used and that if bilingual placenames are used “...the destinations may optionally be staggered” which could allow for equal treatment of both the Irish and the English versions of the placenames.

An Coimisinéir Teanga did not recommend that the existing signs be amended immediately since they do not comply with the Traffic Signs Manual. They will, however, have to be upgraded over time and here commended that the Council use that opportunity to ensure full and accurate compliance with Irish language legislation.

**Investigation launched: 1 February 2011**

**Report issued: 22 March 2011**

### **Meath County Council**

An investigation found that Meath County Council contravened the Regulations under subsection 9(1) of the Official Languages Act when it erected new signs for water meters which were in English only in the Council's area of operation. This investigation arose as a result of six complaints, some of which came from the Gaeltacht area of County Meath.

Meath County Council claimed that the signs concerned were not covered by the Regulations as, according to the Council, they were not directed at the public. It appeared that the Council was of the opinion that the problem would be solved when "most of the meters would in the future be covered with foliage and hidden from public view." (trans.).

The Council stated that the purpose of the signs was to provide markers for the information of County Council staff and that they were not directed at the public. The Council said that the "labelled markers should not be a matter of public concern." (trans.) It was clear, however, that they were a matter of public concern as six complaints were made regarding the matter over a short period of time.

The Regulations in relation to the use of official languages on signs (S.I. No. 391 of 2008) are clear and, apart from specific exemptions, they apply to any sign placed by or on behalf of a public body, at any location.

The investigation was in no doubt but that these markers were signs for the purposes of the Regulations. It should be noted that the Council's operational area includes Gaeltacht areas and some of the English only signs were erected there.

An Coimisinéir Teanga recommended that Meath County Council prepare and implement a plan for the amendment of all the new signs that had been erected in English only to ensure that the signs would comply with the language legislation. He also recommended that priority be given to the amendment of those signs erected in Gaeltacht areas.

Without prejudice to the immediate obligation which the investigation found to exist in this case, it was recommended that the work be done on a phased basis.

**Investigation launched: 21 January 2011**

**Report issued: 22 February 2011**

## **Galway County Council**

An investigation showed that Galway County Council was in breach of its statutory language obligations where addresses in English were used as the default setting instead of Gaeltacht placenames in a database. This database was used by Celtic Anglian Water when issuing bills for water charges.

This problem came to light as a result of a complaint on a related matter. The Office of An Coimisinéir Teanga raised the issue with the Council on an informal basis initially in October 2010. Regular efforts were made for over a year to resolve the matter, and it was understood that some progress was being made, but ultimately these efforts were unsuccessful and it was necessary to initiate an investigation to reach findings and make recommendations on the matter.

It was confirmed in the Council's language scheme, which came into force in 2005, that the Placenames Order (Gaeltacht Districts) 2004 would be used for official purposes. Paragraph 3.11.18 of the scheme states as follows: "An t-Ordú Logainmneacha (Ceantair Ghaeltachta) 2004 will be used by the Council for official purposes and used as a default in all of the Council's databases and correspondence."

The Official Languages Act places certain statutory obligations in relation to the use of Irish on public bodies but also takes into account, in certain circumstances, services which are provided indirectly on behalf of a public body by another company.

The following definition of 'service' for the purpose of language schemes is given in subsection 2(1) of the Official Languages Act 2003: "'service' means a service offered or provided (whether directly or indirectly) to the general public or a class of the general public by a public body."

The Council accepted that it had breached its statutory language obligations in this case. It appeared, however, to have done so inadvertently. It is clear from the report sent by the Council to the investigation that some effort was made at the outset to comply with the legislation but that a breakdown occurred somewhere in the system.

In explaining the breach, the Council said: "Although various attempts were made when the service was set up initially to ensure that the Language Scheme, the language legislation and placename issues were taken into account in the Contract with Celtic Anglian Water (evidence of this can be provided if necessary), because of an administrative error, Celtic Anglian's databases were not properly reviewed to ensure they complied with the Placenames Order until the current year. This year a detailed review has been completed based on postal addresses in cases where the billing address indicated the address was located in the Gaeltacht" (translation)

The investigation found that the Council breached the statutory language obligations set out in subsection 18(1) of the Official Languages Act 2003 with regard to the implementation of a language scheme, in so far as it relates to paragraph 3.11.18 of the scheme. The breach concerned the failure to use the Placenames Order (Gaeltacht Districts) 2004 for official purposes where Celtic Anglian Water's database was used to issue bills for water charges.

An Coimisinéir Teanga recommended that the Council proceed with the amendment of the database in question to ensure that the Irish versions of Gaeltacht placenames are used as the default by Celtic Anglian Water. He also recommended that those arrangements be implemented fully by the County Council at the latest within a period of three months from the date of the report.

**Investigation launched: 23 November 2011**

**Report issued: 28 December 2011**

### **Westmeath County Council**

An investigation found that Westmeath County Council was in breach of its statutory language obligations as it had not appropriately implemented the commitments it gave in its language scheme in relation to the use of Irish in its application forms, brochures, information booklets and website in a timely manner.

The Council's language scheme came into effect on October 1st 2007 and remains in force for a period of three years from the date it is confirmed or until a new scheme is confirmed by the Minister for Arts, Heritage and the Gaeltacht, whichever is later.

As part of the monitoring function of the Office of An Coimisinéir Teanga, a compliance audit took place at the end of the three years of the scheme. It emerged that specific commitments in the scheme did not appear to have been properly implemented.

The Council accepted that it had not met objectives 3.1.1, 3.13, 3.42 and 3.43 of its scheme and indicated that the failure was a consequence of the current economic climate. As regards its commitment that all material would be published simultaneously in Irish and English on its website, the Council said: "I ask you to note that the Council does not have the capacity within its own staff to translate large portions of information or substantial documents into Irish to a satisfactory standard and therefore it is obliged to spend financial resources contracting translation services to fulfil this function." (trans.)

As a solution to the problem, the Council said that it considered using "Google Translate to facilitate the publication of the entire website in Irish." (trans.) However, the Council accepted that there were "grammatical inaccuracies with Google Translate." (trans.) The Council also suggested that if it succeeded in recruiting a suitably qualified graduate under a FÁS scheme, it would then focus on the translation of forms and leaflets and the translation "on a phased basis of the website." (trans.)

The investigation did not accept that it would be a significant improvement to use Google Translate to create an Irish version of the website. This system is not yet sufficiently advanced to allow accurate translation of official information into Irish – indeed because of its deficiencies, it might add insult to injury to those seeking service through Irish. Neither would it be realistic to rely solely on the possibility that the FÁS Work Placement scheme would provide a graduate with the necessary qualifications to undertake this work.

The Council undoubtedly had difficulties in relation to financial and staffing constraints, but this did not leave it in a position where it could simply disregard its statutory language obligations as if they did not exist.

The investigation found that the Council failed to comply in a satisfactory manner with its obligations under subsection 18(1) of the Official Languages Act 2003. It recommended that a phased plan be set out to ensure that application forms, brochures and information leaflets would be bilingual within a reasonable timeframe. In order to reduce costs, it suggested that the Council consult other local

authorities, who already had such documents in Irish or bilingually, and that permission be sought to draw on their work.

It was also recommended that a work plan be prepared for making the website bilingual and that this plan should be executed on a phased basis.

**Investigation launched: 11 April 2011**

**Report issued: 28 June 2011**

### **Laois County Council**

An investigation found that Laois County Council was in breach of its statutory language obligations under subsection 10(a) of the Official Languages Act when it published its draft County Development Plan 2012- 2018 in English only. The issue arose in March 2011 in the course of a monitoring exercise carried out by the Office of An Coimisinéir Teanga.

In September 2010, a letter was sent to all local authorities setting out their obligations in relation to the simultaneous publication in Irish and English of draft county development plans. The Council had this information when it decided not to publish an Irish version of its draft plan.

The preparation of draft development plans is a statutory process and legislation requires that the draft plan be published simultaneously in both Irish and English “notwithstanding any other enactment ...” In this case, the precise statutory process was not fully complied with and therefore no guarantee can be given as to validity of the draft plan, which cost almost €400,000. There could be a risk that a legal challenge to the plan could be mounted since the Council persevered with a process that it knew to be at odds with the law.

Rather than publishing the draft plan simultaneously in Irish and English, the Council provided c. €390,000 for the preparation of an English version and said that it could not afford to publish an Irish version. It should be noted that taxpayer’s money was made available for the publication of bilingual versions of the draft, as required by law, not for English only versions.

The Council accepted from the outset that it had breached its statutory obligations. It indicated that it had a very tight deadline to publish, print and distribute the final draft; that it had just two weeks after receiving guidance from the elected members to publish the draft and put it on public display. The Council said it received estimates of c. €40,000 and 125 working days for the translation.

From the information provided, it was clear that the Council was under a misapprehension as to what was required to be translated, but that it had sought clarification from other Councils rather than from the Office of An Coimisinéir Teanga. Only documents containing a “public policy proposal” are required to be published simultaneously in Irish and English. This would most likely mean that the cost of translation would have been between €12,000 and €15,000 or just over 3% of total cost of the project.

The Council decided to provide the Irish version of the draft plan during the investigation, but at a time when it was too late to fully comply with its statutory obligations and also when it was no longer of much benefit to those in the community who would have chosen the Irish version.

An Coimisinéir Teanga recommended that, in future, Laois County Council should comply with its statutory duties in regard to the simultaneous bilingual publication of documents containing public policy proposals and that the preparation of an Irish language version should be a central and scheduled part of the project planning process and not treated as an optional extra.

He also urged the Council to seek advice from its own legal advisers with regard to any steps that should be taken to ensure the validity of the current draft development plan in light of its decision to publish the document in English only when the Council knew that this was in breach of legislation.

**Investigation launched: 11 April 2011**

**Report issued: 19 May 2011**

### **National Transport Authority**

#### *Investigation discontinued*

It was decided to discontinue an investigation when specific assurances were given that the statutory language obligations that were a cause for concern would be appropriately complied with by the National Transport Authority (NTA).

The investigation arose from complaints received about electronic signs showing bus arrival times in English only which were erected in Dublin by the NTA during a period of public consultation and testing. The language obligations in relation to signage are contained in the Regulations made under subsection 9(1) of the Official Languages Act 2003 and are set out in S.I. 391 of 2008.

The NTA confirmed, in a letter to the investigation, that they were taking steps to ensure that these electronic signs would function bilingually. The requirement that the electronic system would have the capacity to function bilingually had already been taken into account in the software specifications when tenders were sought for the work.

By the end of 2011, the electronic signs showing bus arrival times were functioning bilingually and it appears that similar signage will be developed nationally on a bilingual basis in the future.

**Investigation launched: 11 March 2011**

**Investigation discontinued: 6 April 2011**

### **Kilkenny County Council**

#### *Investigation discontinued*

An Coimisinéir Teanga decided to discontinue an investigation in a case involving Kilkenny County Council when assurances were given that language legislation in relation to road traffic signs would be properly implemented. A complaint had been made that the Council had erected traffic signs with placenames in English only.

The Office of An Coimisinéir Teanga tried to reach a resolution with the County Council through the informal complaints resolution procedure operated by the Office but without success, and therefore an investigation was launched.

The statutory obligations in relation to the use of Irish on road traffic signs are set out in the Traffic Signs Manual. In relation to placenames, subsection 1.1.48 of the Manual states that placenames on information signs must be bilingual except in the case of destinations in Gaeltacht areas where the names of places in such areas must be in Irish only.

The Council explained that it was not responsible for some of the signs in question and that “on occasion sign posts and name plates are erected by private persons without the knowledge or authority of Kilkenny County Council”. It said that it was “generally the case that English only signs were erected in such circumstances”.

The Council gave assurances that the defective signs would be corrected or removed and said that it was procedure and policy to ensure that all signs were “certified by the relevant Area Engineer or personnel in our Road Design Office prior to ordering and production”.

**Investigation launched: 3 October 2011**

**Investigation discontinued: 20 October 2011**



## FINANCIAL MATTERS

A budget of €670,000 was provided for my Office for 2011 and €629,285 of that money was drawn down.

The accounts of the Office for 2011 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 Arts, Heritage and the Gaeltacht 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.

### Prompt Payments

In accordance with Government decisions made on the 2nd and 8th of March 2011, public bodies are required to have appropriate systems in place to ensure that valid invoices are paid within 15 days from the date they are received. Public bodies are also required to publish a quarterly report on this matter on their websites. These arrangements came into force on July 1st 2011.

### Prompt Payments Report

**Period Covered: 1 July 2011 – 31 December 2011**

<b>Details</b>	<b>Number</b>	<b>Value (€)</b>	<b>Percentage (%) of total number of payments made</b>
<b>Number of payments made within 15 days</b>	129	120,853	99%
<b>Number of payments made within 16 days to 30 days</b>	2	831	1%
<b>Number of payments made in excess of 30 days</b>	0	0	0%
<b>Total payments made</b>	<b>131</b>	<b>121,684</b>	<b>100%</b>
<sup>1</sup> <b>Disputed Invoices</b>	<b>0</b>	<b>0</b>	<b>N/A</b>

<sup>1</sup> Invoices received during the period and still under dispute at the end of the reporting period.

## **ENERGY**

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

### **Overview of Energy Usage in 2011**

The use of electricity in the office building in An Spidéal, Co. Galway 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 2011, the Office of An Coimisinéir Teanga consumed 57.23 MWh of electricity. This constituted a reduction of 22% in comparison to 2010.

### **Actions Taken in 2011**

In 2011, the main heating and aeration system in the office building was repaired and consequently there was a reduction in energy consumption on heating. The energy-saving practices established in 2010 were continued: ensuring that all equipment is turned off when not in use and examining the office at the end of every working day to ensure that lights and equipment are switched off overnight and when the building is not occupied.

### **Actions Planned for 2012**

The Office will continue the energy-saving policies already initiated and it is intended to monitor electricity consumption on a regular basis during 2012.

## **FOIREANN AGUS SONRAÍ TEAGMHÁLA/STAFF AND CONTACT DETAILS**

### **FOIREANN/STAFF**

An Coimisinéir Teanga –	Seán Ó Cuirreáin
Stiúrthóir / Director –	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	Máire Ní Chuláin
Oifigeach Cléireachais / Clerical Officer	Deirdre Nic Dhonncha
Oifigeach Cléireachais / Clerical Officer	folúntas/vacancy

### **SONRAÍ TEAGMHÁLA /CONTACT DETAILS**

Is féidir teagmháil a dhéanamh leis an Oifig tríd an bpost, ar facs, le ríomhphost nó ar an teileafón ar chostas glao áitiúil, mar seo a leanas:

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](mailto:eolas@coimisineir.ie)

SUÍOMH GRÉASÁIN / WEBSITE: [www.coimisineir.ie](http://www.coimisineir.ie)

Is é an leagan Gaeilge buntéacs na Tuarascála seo.

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