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Office of the Ombudsman and Office of the Information Commissioner

OFFICIAL LANGUAGES ACT, 2003

Scheme 2012 - 2015

Chapter 1

1.1 Introduction and Background

This scheme was prepared under section 15 of the Official Languages Act, 2003 (the Act) jointly by the Office of the Ombudsman and the Office of the Information Commissioner. References throughout this document to "the Office" or "the Organisation" should be understood as referring to both the Office of the Ombudsman and the Office of the Information Commissioner.

Section 11 of the Act provides for the preparation by public bodies of a statutory scheme detailing the services they will provide

- through the medium of Irish
- through the medium of Irish and English and
- through the medium of English

and the measures to be adopted to ensure that any service not provided by the public body through Irish will be so provided within an agreed timeframe. Section 15 of the Act provides for the review of existing schemes.

This scheme was developed taking account of the Irish Language services offered in the first scheme, including the level of demand for such services and the varied resources required to meet them.

1.2 Guidelines for preparation of a scheme

This scheme was drawn up in accordance with Guidelines under Section 12 of the Act prepared by the Minister for Arts, Heritage and the Gaeltacht.

The Office published notices under section 13 of the Act inviting interested parties to make submissions in relation to the preparation of the draft scheme. Submissions were received from one individual and two organisations.

The office of An Coimisinéir Teanga carried out an audit on the implementation of the first scheme in 2008 and conveyed the results of the review process to this Office. The first scheme was also monitored on a regular basis by the Management Advisory Committee in the Office.

The content of the scheme has been informed by the experience of the Office of the first scheme, the submissions made by the public, the report of the office of An Coimisinéir Teanga, as well as views and suggestions put forward by the staff of the Office.

1.3 The Content of the Language Scheme

This scheme aims to consolidate and build on the Office delivery of services in the Irish language. The Organisation's core vision is to facilitate "a public service that is open, fair, accountable and effective". In line with this objective we aim to provide a high quality, easily accessible and efficient service to our customers. The provision of our services in the Irish language is undertaken in support of that objective.

The preparation of the scheme was overseen by the Management Advisory Committee and responsibility for its monitoring and review will rest with the senior management within the organisation. The scheme will be operated in the context of the strategic priorities of the Office, the delivery of Quality Client Service and the objectives of the Business Plans.

The Office had sought to provide a service in Irish to its customers before the introduction of the Act and had followed a practice of bilingual publication of Annual Reports and certain information leaflets. For many years, too, it had been the practice of the Office to ensure that all correspondence in the Irish language was responded to in Irish. The first scheme sought to build on the services available

through Irish by proposing a range of commitments that would be met, in the context of legislative obligation, customer demand and resources.

A number of commitments were made in the first scheme to improve the level of services available in Irish, all of which have been delivered. The objective of this second scheme is to continue the delivery of these commitments and build on the progress achieved across the organisation over the period of the last scheme, as resources allow.

This scheme will concentrate on those areas of provision that we believe to be most important, enabling the Office to respond to weaknesses identified during the operation of the first Scheme and to consolidate those services for the future. The Office will continue to implement a system of measuring the level of queries, complaints and requests to ensure that the services provided under the Scheme fully meet customer demand, in a planned and accessible way.

1.4 The Commencement Date of the Scheme

This scheme has been confirmed by the Minister for Arts, Heritage and the Gaeltacht. It is commenced with effect from 1 December, 2012 and will remain in force for a period of three years from this date or until a new scheme has been confirmed by the Minister pursuant to Section 15 of the Act.

1.5 Overview of the Office of the Ombudsman and the Office of the Information Commissioner

1.5.1 Mandate and Mission

The offices of the Ombudsman and the Information Commissioner deliver on separate statutory functions through a structure of shared resources. While the two functions are independent, they can, at another level, be considered to be complementary to and supportive of the Government's broader modernisation programme.

The Office of the Ombudsman was established in 1984 under the Ombudsman Act, 1980 and the Office of the Information Commissioner in 1998, following the enactment of the Freedom of Information (FOI) Act, 1997. Both the Ombudsman and Information Commissioner are appointed by the President, following a resolution passed by the Oireachtas.

The Government decided in 2009 to bring the work of the Commission for Public Service Appointments (CPSA) within the ambit of the Office of the Ombudsman and the staff of the CPSA moved to this Office in 2010.

Secretariat and other support services to the Standards in Public Office Commission, to the Referendum Commission and to the Commission for Public Service Appointments are also provided; however, the current scheme does not extend to these areas of responsibility.

The Organisation as a whole (including the support provided to the Standards in Public Office Commission, to the Referendum Commission and to the Commission for Public Service Appointments), has a budget of € 6.7 million (2012) and a staff complement of 96 (including staff on a work sharing basis).

The key functions of the Organisation may be summarised as follows:

- Investigating complaints about public bodies within the Ombudsman's remit. Where a complaint is held to be well founded, the Office may recommend appropriate redress and may also work with the body involved to improve standards of decision making and service delivery;
- Determining the rights of individual requesters to access records under the FOI Acts and promoting good FOI practice.

The core of our activities will always be driven by the casework generated by those who have complained to the Ombudsman or who have requested the Information Commissioner to review a particular decision. However, in addition to the conclusions and decisions arrived at in our casework, the Office also seeks to analyse the systemic causes that underlie those matters which members of the public bring to its attention and to develop best practice guidance for the benefit of public bodies.

1.5.2 *Customers*

Each year the Irish public sector processes millions of transactions involving individual members of the public who may or may not be resident in the country. These transactions are conducted through a variety of public bodies, many of which are within the remit of either the Ombudsman or the Information Commissioner or both. Any person who is a customer of these public bodies is a potential client of

one or other of the two Offices as are the Government departments, local and regional authorities, health agencies, public and voluntary hospitals, educational bodies, other state bodies and public service agencies. A feature of our activities in recent years has been the growth in demand for services from individuals representing a diverse range of ethnic and national backgrounds, reflecting the changing population and workforce composition of the country.

The Office seeks to support the Oireachtas in its scrutiny of administrative actions and in its legislative role and to contribute to debate in civil society by promoting, through the media where appropriate, awareness of issues and principles relevant to our work. The Oireachtas Committee on Public Service Oversight and Petitions established in 2012 provides a formal channel of consultation and collaboration between the Oireachtas and the Ombudsman.

In the case of the Office of the Information Commissioner, customers include journalists as well as members of the public and staff of public bodies. That Office liaises with legal, academic and other practitioners with a particular interest in Freedom of Information (FOI) law.

1.5.3 How we are organised

The functional areas of the Office comprise:

EXTERNAL ROLE

- Office of the Ombudsman Enquiries, Assessment, Examination and Investigation Units
- Office of the Information Commissioner Investigation and Support Unit

INTERNAL ROLE

- Corporate Services - Finance, Personnel, Reception, Training, IT
- Communications and Research - Public Relations, Publications, Research

Chapter 2

Provision of Services

This chapter sets out the communication structures common to the Ombudsman and the Information Commissioner.

2.1 Means of Communication with the Public / Information to the Public

The Office communicates with the general public through:

- Information Leaflets
- Publications (Annual Reports, Investigation Reports, Special Reports)
- Press Releases
- Websites
- Regional visits and visits to Community Information Centres
- Speeches and presentations to conferences by the Ombudsman/Information Commissioner
- Presentations by staff to community organisations and public bodies
- Media Interviews

Some, but not all, of these are currently provided in both Irish and English. The Annual Reports and the accompanying press releases are fully bilingual. Irish versions of information leaflets and some of the reports are also available in electronic and hardcopy formats.

Speeches and presentations by the Ombudsman/Information Commissioner or by senior officials of the Office are made available in the language in which they are delivered.

Chapter 3

Summary of Services/Activities provided by sections of the Offices

The working language of the Office is almost exclusively English, reflecting the demands of our customers. The Office has a relatively high – but declining - proportion of the total staff complement both capable, and willing, to provide oral and written services in the language of the customer's choice be that Irish or English. These members of staff work throughout the organisation and are willing to assist one another where the need arises. The policy of the Office is to provide service in Irish to customers within existing resources, to the greatest extent possible. Such services extend to telephone or face to face communication and straightforward correspondence. Where the skill or resource is not available within the organisation, the Office calls on external support, specifically in relation to translation services, albeit with attendant costs and delays.

3.1 Sections of the Office dealing with case work

Office of the Ombudsman

A significant structural review and transformation of the Office was initiated in 2010 and implemented in 2011. The purpose of the restructuring was to ensure that the organisation could respond in a flexible, efficient manner to the challenges posed by economic constraints and increasing demand for services.

The Office of the Ombudsman now comprises four units - Enquiries, Assessment, Examinations and Investigations - each headed by a Senior Investigator. The units deal with complaints from the public against a range of public bodies.

The new structures are designed to facilitate rapid management of complaints, early resolution of most complaints and identification of more complex cases that may require formal investigation. In 2011 the Ombudsman received 11,541 enquiries and 5078 complaints. The majority of complaints are made by post with some personal callers to the Office, some making contact through regional visits or attendance at Citizens' Information Centres, and others using email contact. The experience of the Office is that demand for services through Irish is very low.

Office of the Information Commissioner

Headed by a Senior Investigator, a team of investigators and support staff examine applications for review by people who wish to appeal against decisions of public bodies in relation to requests for access to records under the FOI Acts. Unless a review is discontinued, settled or withdrawn, the cases are finalised through formal decisions ruling on whether exemptions claimed under the Acts are justified; these decisions can be appealed to the High Court on a point of law.

In 2011, 245 applications for review were received. None of these applications was made through Irish.

The practice is to publish some decisions on www.oic.gov.ie where the content is deemed to be of assistance to decision makers in public bodies and to interested academics. A small number of these decisions are designated for publication as "Key Decisions". Key Decisions are decisions which clarify an aspect of the FOI Act of fundamental importance and which will serve as precedent decisions for the future. Key decisions, therefore, are likely to be of interest and benefit to the wider public rather than being of interest to FOI practitioners only.

This Office has a number of staff competent to provide a service through Irish, if required, to telephone and personal callers and in relation to general correspondence.

3.2 Corporate Services including Reception and Switchboard

The reception area is normally the first point of contact with the public. This section handles the calls and visitors for the two Offices as well as for the Secretariat to the Standards in Public Office Commission, the Referendum Commission (when in existence) and the Commission for Public Service Appointments. The policy of the Office is that callers are directed with the minimum of delay to an appropriate member of staff who can deal with their business, whether in Irish or English. The Reception staff has a list of those staff members competent in Irish and to whom such callers may be directed. Members of Reception staff willing to undertake Irish language training have received training appropriate to the reception functions and this is an ongoing commitment. The Office provides out of hours bilingual messages on the phones system of the individual offices and in this regard is in compliance with Regulations made under the Official Languages Act.

3.3 Sections of the Office not dealing with the public

Personnel, Training, Finance and IT generally do not provide services to the public.

Chapter 4

Enhancement of Services

4.1 Statutory obligations and commitments

Section 11(1) (b) requires that each public body sets out the measures that it proposes to take to ensure that any services that are not provided through the medium of the Irish language will be so provided.

The Office is committed to a progressive improvement of the Irish language service offered to our clients and to publicise the availability of such services. This commitment will result in identifiable actions to be taken over the lifetime of this Scheme and in future schemes. These actions are proposed in the context of the following policy, legislative and pragmatic considerations -

- legislative obligations;
- commitment to providing a high quality client service
- adherence to the Ombudsman's Standards of Best Practice for Public Servants (see www.ombudsman.gov.ie)
- the priorities identified in the consultative process;
- demand for Irish language services as identified by the Office
- the lessons learned from the operation of the first scheme, and
- the availability of, and access to, resources necessary to support the actions, both within the Office, the public service and within the community at large.

The Scheme will enable delivery of specific improvements across the range of media through which the Office communicates with our clients including publications, electronic and written communication, and face to face / personal contact.

4.2 Communication with the public

4.2.1 Publications

- Publications, including leaflets, guides and forms are, and will continue to be published bilingually within one cover to the greatest extent possible. In certain cases the format appropriate to the publication i.e. large scale format for the visually disabled- may require that the Irish and English versions be published separately. In such cases the Irish version will be as readily available as the

English version. Where separate publications are published attention will be drawn to the availability of an Irish or English version, as appropriate.

- Speeches will continue to be made available in the language or languages in which they have been given.
- In addition to the Annual Reports, reports published by the Ombudsman under section 6 (7) of the Ombudsman Act 1980 will continue to be published bilingually.
- Investigation Reports of the Information Commissioner, under section 36 of the Freedom of Information Act, will continue to be published bilingually.
- We will continue to issue bilingual Press Releases, other than in exceptional cases involving statements made at short notice, and where the translation of the material within the timescale required is not possible.

4.2.2 Electronic communication

The Official Languages Act 2003 (section 9(3)) requires public bodies to ensure that where they are communicating for the purposes of providing information to the general public or to a class of the general public - in writing or by electronic mail - the communication shall be in the Irish language only or in the Irish and English languages.

The Office is conscious of the importance of electronic communication, and acknowledges the references to this in the submissions put forward by the public. In that context the following will be undertaken

- Where any new website is being planned, bilingual language provision will be central to the planning and procurement process
- All existing computer systems, which require information in relation to members of the public to be inputted, for example names and addresses, are capable of handling the Irish Language and any new computer systems being installed will be fully capable of handling the Irish language.
- Static text and graphics on our websites are, and will continue to be bilingual.
- Where a document is published on the website (e.g. annual report) for which there is a requirement under the Official Languages Act to have a published

version in Irish, the Irish version will be published on the website at the same time as the English version.

- Irish and English versions of a video clip providing information on the work of the Ombudsman will be maintained on the website.
- On line services are and will continue to be provided in both languages.
- Reports published by the Ombudsman under section 6 (7) of the Ombudsman Act 1980 will be published bilingually.
- Key decisions of the Information Commissioner selected for website publication will be published simultaneously in Irish and English.
- The Office is obliged in accordance with sections 15 and 16 of the Freedom of Information Act, to produce Manuals which set out the functions, obligations and procedures of the body. Irish versions of the Office of the Information Commissioner and the Ombudsman manuals will continue to be made available on the websites.
- A link to the Irish version of the Ombudsman Act 1980 and to the Freedom of Information Act 1997 has been posted on the current websites
- In the case of publications predating this Scheme which are available in the English form only, the Irish version of the website will contain a link (in Irish) to the English version of the document.

4.3 Personal Contact

4.3.1 Reception/Telephone Services

Reception dealt with 1389 telephone enquiries in 2011. (This does not include general and specific enquiries that would have been dealt with directly by individual sections of the Office). The Office records indicate that 4 of these callers sought to have their business conducted in Irish in that period. Regardless of this low level of demand, the Office will offer a proactive service in Irish as follows:

- Pre-recorded telephone messages - a bilingual message is, and will continue to be provided ;
- First response/greeting service - It is the practice in this Office to provide reception services, on a rotating basis, with the assistance of 20 members of

staff. A small number of this group were willing and competent to provide a greeting service in Irish over the course of the first scheme. From the commencement of this scheme any additional reception staff willing to provide a first response in English and Irish, will be encouraged to do so and will be provided with appropriate training.

- Reception staff will route callers requesting an Irish or bilingual service to staff competent to provide this, to the greatest extent possible. Reception staff will continue to have a list to hand of staff competent in Irish;
- Staff identified as competent and willing to provide a service through Irish will continue to leave a bilingual version of their voice mail answers.

4.3.2 Face to face

Face to face contacts take place at present on a casual drop-in basis or on the basis of an appointment made. In the first case, the client's details may be recorded and sent on for action to the relevant staff member, if he or she is not available or free to meet the person. Alternatively, clients choose to make an appointment to meet the person or persons dealing with their case. The Office will continue to provide the following service:

- A notice will be placed at Reception indicating that a service in Irish is available
- Appointments - a client who requires a service in Irish, and who requests a meeting to discuss his or her case, will be facilitated in meeting the case worker. A staff member competent to conduct the case in Irish will be assigned to a complaint /application where it is received in Irish and this is appropriate. In some cases, it may be necessary for case workers handling individual cases to involve staff with expertise from other areas of the Office.
- Casual/Drop-in - a client will have access to an Irish speaker if one is available in the Office at the time. Otherwise we will offer contact details and an appointment with the appropriate case worker.

4.3.3 Regional Visits (*Ombudsman*)

Regional visits provide an opportunity for potential customers to discuss their complaints face to face with members of the Ombudsman staff. Approximately 3-4 regional visits are arranged each year. Details of these are publicised in local media.

The Office has no record of an Irish service having been requested on any of these visits in recent years. Nonetheless it is proposed

- to continue with the arrangement introduced in the first scheme, to ensure that an Irish speaking member of staff will be present at visits in or near Gaeltacht areas and
- to ensure that this Irish Language service is specified in advance publicity advertising such visits.

4.3.4 Press/Publicity

- Bilingual Press Releases are and will continue to be made available, within the constraints outlined above at 4.2.1.
- A spokesperson for the organisation will be available to the media to provide an Irish service, if advance notice is provided.

4.4 Developing Staff Competence

4.4.1 Resources

The successful delivery of existing and enhanced services in Irish is dependent crucially on the ability and willingness of staff to provide this. Currently 9 members of staff (9%) have volunteered to provide an Irish language service to the extent that their competence allows. Reception staff has been given a list of these staff members (and this list will be kept up to date). Others have expressed an interest in improving their skills in the language so that they can provide a bilingual greeting and other basic services.

4.4.2 Commitment

The Office will continue to ensure that staff appreciate the thrust of the Act, understand the immediate legal requirements and the commitment to deliver a progressively enhanced service and see the service as an integral part of the commitment to quality client service. The Office will encourage staff to use their existing competence in Irish; we will train and support staff so that existing competence can be improved and we will provide the appropriate administrative supports required to ensure that the identified standards/actions can be met.

- Language Awareness Training -Training policy within the organisation will continue to promote an informed and positive attitude towards the right of the

client to a service in Irish. This will be effected through appropriate induction training, to be reinforced through regular training.

- Staffs that have passed the civil service Irish language competence test will be encouraged to use and build on their existing skills.
- Volunteers will be sought across the organisation to participate in providing the service in Irish on an ongoing basis.
- Staff competence will be developed through language training courses to be provided externally or internally as appropriate. Staff will continue to be encouraged to attend language training courses during or outside office hours.
- Training needs will be identified in the course of the Performance Management Development System and the Training Officer will incorporate those needs into individual and generic training programmes as appropriate in the light of the priorities and resources authorised by the Management Committee.
- Irish language templates of frequently used letters/documents are available and will be updated as the need arises to encourage staff to participate in providing service in Irish.
- Staff will be directed to sources and services that support the provision of Irish language services, including relevant websites and the list of translators approved by Foras na Gaeilge.
- Staff will continue to meet once a week to use Irish in an informal setting and to encourage each other to extend their competence.

4.5 Assessing Demand

In order to accurately assess the demand for services in Irish, the Office will continue to monitor existing procedures for recording enquiries, complaints and requests made in Irish.

Chapter 5

Monitoring and Revision

The Management Advisory Group (MAC), comprising Senior Management in the Office and chaired by the Director General will keep the operation of the scheme under review. The MAC will continue to do this by way of progress reports from each Senior Investigator on a twice yearly basis.

The day to day operation of the scheme together with ongoing monitoring of the level of demand in the various areas is the responsibility of the line managers in the sections who report to the relevant Senior Investigator.

Chapter 6

Publicising of Agreed Scheme

The provisions of the scheme will be brought to the attention of the public by means of the following:

- The scheme itself and subsequent updates on the delivery of commitments on particular services will be reported upon in the Annual Reports which are published on the websites.
- A press release will be issued to mark the scheme's publication and availability
- The scheme will be circulated to those who made submissions, to Irish Language organisations, Citizens' Information Centres and relevant public bodies.
- The Office will post notices as appropriate at Reception, on the website and on publications, drawing attention to the availability of services in Irish

A copy of this scheme has been forwarded to An Coimisinéir Teanga