

# Office of the Ombudsman and Office of the Information Commissioner

## OFFICIAL LANGUAGES ACT, 2003 Scheme

### Chapter 1

#### Introduction and Background

This Scheme was prepared under section 11 of the Official Languages Act, 2003 (the Act) jointly by the Office of the Ombudsman and the Office of the Information Commissioner. The two Offices were included in the list of public bodies selected by the Minister for Community, Rural and Gaeltacht Affairs to draft schemes in the first round of this process. 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.

In this Office we depend upon a relatively small number of staff with the requisite skills to provide a service in the Irish Language. While we are fortunate in currently having staff who have competency in the language, these staff are not available in all grades and areas of responsibility. One limitation we face is that we cannot readily recruit or replace staff with the requisite skills. A major refocussing of recruitment policies would be required and, taking account of the staff mobility and development policies, it might not be feasible to retain an individual with the requisite skills in one area (for example, reception) indefinitely.

Section 11 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.

## ***1.1 Guidelines for preparation of a Scheme***

Section 12 of the Act provides for the preparation of guidelines by the Minister for Community, Rural and Gaeltacht Affairs and their issue to public bodies to assist in the preparation of draft schemes. This scheme has been drawn up having regard to those guidelines.

The Office published notices under section 13 of the Act in November 2004, inviting interested parties to make submissions in relation to the preparation of the draft scheme. Some twenty submissions were received from individuals and organisations. In conjunction with a survey conducted of subscribers to the website update service in the Office of the Information Commissioner, we also asked users of the website for their views on the provision of bilingual versions of material on the site.

The content of the Scheme has been informed by these submissions and by views and suggestions put forward by the staff of the Office. We appreciate these contributions to the process.

## ***1.2 The Content of the Language Scheme***

The Scheme aims to consolidate and improve the Office's existing policy and practice in relation to delivery of its services in the Irish language. Our Statement of Strategy 2004 -2006 recognises that the Organisation's core purpose is - **"To act independently to preserve and promote the highest standards in interactions between the individual and the State"**. In line with this objective we aim to provide a high quality, easily accessible and efficient service. The provision of our services in the Irish language, where Irish is the client's language of choice, is a specified action in support of this goal.

The preparation of this 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 conjunction with the Office's Statement of Strategy and its objectives are consistent with the delivery of Quality Client Service and the objectives of the Business Plans.

The Scheme builds on the extent to which our services are currently available

through Irish. Areas for future enhancement of the service provided by the Office are identified in the scheme. The Office will implement an improved system of measuring the level of queries, complaints and requests to ensure that the demand can be met in a planned and accessible way.

### ***1.3 The Commencement Date of the Scheme***

This Scheme has been confirmed by the Minister for Community Rural and Gaeltacht Affairs. It is commenced with effect from 1 July 2005 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, whichever is the earlier.

### ***1.4 Overview of the Office of the Ombudsman and the Office of the Information Commissioner***

#### **1.4.1 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.

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

The Organisation as a whole has a budget of €6.17 million (2005) and a staff complement of eighty.

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 guides for the benefit of public bodies.

#### **1.4.2 Who we serve**

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, voluntary hospitals, educational bodies, other state bodies and public service agencies.

In addition, 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.

#### **1.4.3 How we are organised**

The functional areas of the Office comprise:

##### EXTERNAL ROLE

- Office of the Ombudsman investigation and support units
- Office of the Information Commissioner investigation and support unit

## INTERNAL

- Corporate Services - Finance, Personnel, Reception, Training
- IT Unit

### **1.4.4 Extent to which services are already available through Irish**

The Offices' Statement of Strategy includes the objective of providing our services in Irish where Irish is the client's language of choice. For many years, it has been the practice of the Office to ensure that all correspondence in the Irish language is responded to in Irish. Annual reports are published in bilingual format as are the accompanying press releases. Irish or bilingual versions of some, but not all, publications of interest to the public have been made available in hard copy and on our websites. The Office has supported staff who studied Irish, including the reimbursement of fees and the granting of study leave.

## **Chapter 2**

### **Provision of Services**

This chapter sets out the official language regime including the services common to both 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
- Press Releases
- Websites
- Regional visits and visits to Community Information Centres
- Speeches and presentations to conferences by the Ombudsman/Information Commissioner
- Media Interviews

Some, but not all, of these are currently available in both Irish and English. The Annual Reports and the accompanying press releases are fully bilingual and Irish versions of information leaflets and of some of the special reports published 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(s) in which they are delivered.

## Chapter 3

### Summary of Services/Activities provided by sections of the Offices

None of the sections operates wholly or almost wholly through the Irish language. At present, most of the sections have staff members capable of providing oral and written services in the language of the customer's choice be that Irish or English. Where such staff are not available, arrangements are in place to put the client in touch with a member of staff of another section who can provide the service in Irish.

#### ***3.1 Sections of the Office dealing with case work***

##### Office of the Ombudsman

There are three sections, each headed by a Senior Investigator and comprising Investigators and support staff dealing with complaints from the public in the following areas:

- Government Departments and An Post
- Health and Social Welfare
- Local Authorities

These sections examine and investigate complaints and deal with queries where individuals are dissatisfied with the administration of public bodies. Special investigations and reports are undertaken where appropriate. In 2004, the Ombudsman dealt with 9,496 enquiries and received 3,075 complaints. The majority of complaints are made by post with some personal callers to the Office and some making contact through Regional visits or attendance at Citizens' Information Centres.

At present, all but the Corporate Services section has at least one member of staff who is in a position to provide service through Irish.

##### Office of the Information Commissioner

Headed by two Senior Investigators, two teams 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 2004, 435 applications for review were received.

In relation to the relatively small number of "published decisions", the practice is to make these available on [www.oic.gov.ie](http://www.oic.gov.ie) where the content is deemed to be of public interest or of assistance to decision makers in public bodies. Such decisions are selected on the basis that they set out or clarify the Commissioner's view on the application of a particular exemption or other issue. In most cases, the decision is communicated only to parties to the review. Since the inception of the Office, no decision has issued in the Irish language because no applicant has chosen to have the review conducted entirely through Irish.

This Office has several members of staff who are competent to provide a service through Irish, if required, in all but the most legally complex cases where external assistance may be required.

#### 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 and the Referendum Commission (when in existence). As things stand, this area of the Office does not have staff competent to provide a full service to clients through the Irish language. The policy is that callers are directed with the minimum of delay to an appropriate member of staff who can deal with their business in Irish. Reception staff have a list of those staff members competent in Irish and to whom such callers may be directed.

### ***3.2 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

#### 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. 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 -

- immediate legislative obligations;
- commitment to providing a high quality client service as set out in our Client Charter (to be published in 2005 - see **[www.ombudsman.gov.ie](http://www.ombudsman.gov.ie)** and **[www.oic.gov.ie](http://www.oic.gov.ie)**);
- adherence to the Ombudsman' s Standards of Best Practice for Public Servants (see **[www.ombudsman.gov.ie](http://www.ombudsman.gov.ie)**);
- the priorities identified in the consultative process;
- demand for Irish language services as identified by the Office, 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.

## **2. Communication with the public**

### **2.1 Publications**

- Leaflets or guides to be published in future will be published bilingually *from the commencement of the Scheme*.
- Existing guides leaflets, forms available to the public will be published bilingually as they are revised.
- Speeches will be made available in the language or languages in which they have been given, *from the commencement of the Scheme*.
- In addition to the Annual Reports which have been published bilingually for many years, reports published by the Ombudsman under section 6 (7) of the Ombudsman Act 1980 will be published simultaneously and bilingually *beginning in September 2005*.
- Investigation Reports of the Information Commissioner, under section 36 of the Freedom of Information Act, will be published simultaneously and bilingually *beginning in September 2005*.
- Our Client Charter will be published bilingually by *December 2005*.
- Simultaneous bilingual Press Releases will be made available, *from the commencement of the Scheme*, other than in exceptional cases involving statements made at short notice.

### **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 will provide an enhanced service in Irish on the website, subject to any technical restrictions which may emerge in the course of re-design and including the following services as a minimum:

- Any re-design of the websites will provide for a version of the website which is navigable in Irish.
- Where a document is published on the website (i.e. annual report, accounts) 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. In the case of documents directed to staff of the Office,( internal documents) that are also published on the website, the commitment to publication of an Irish version will not apply.
- 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.
- In the context of proposals to make the Office more accessible to our clients, where on-line services are being provided, they will be provided simultaneously in both languages.
- Reports published by the Ombudsman under section 6 (7) of the Ombudsman Act 1980 will be published simultaneously and bilingually *beginning in September 2005*.
- In future, key decisions of the Information Commissioner selected for website publication will be put on the website simultaneously and bilingually. This will be done in the context of the redesigned website, and in any event, *not later than January 2006*. Key decisions" are those identified by the Office as having particular value in terms of precedent or clarification and being of significant interest to the public. The Office of the Information Commissioner may also, during the lifetime of this Scheme, provide internet access to other routine decisions; such decisions will be made available only in the original language of the decision.
- Our Client Charter will be available on our websites bilingually *by December 2005*.
- 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. An Irish version of the OIC manuals, which are currently

being revised will be made available *by September 2005*. An Irish version of the Ombudsman manuals will be available on the website, when the existing documents are revised *by May 2006*.

- A link to the Irish version of the Ombudsman Act, 1980 and to the Freedom of Information Act, 1997 will be posted on the current websites *from the commencement of the Scheme*.

### **3. Personal Contact**

#### ***3.1 Reception/Telephone Services***

Reception dealt with 8394 telephone enquiries in 2004. Records suggest that very few of these callers sought to have their business conducted in Irish. Regardless of this low level of demand, the service will be enhanced as follows:

- Pre-recorded telephone messages - A bilingual message will be provided *by July 2005*.
- First response/greeting service - It is the practice in this Office to provide reception services, on a rotating basis, with the assistance of 19 members of staff. At present none of these members of staff has a competence in the Irish Language which would enable him or her to provide a first response or greeting service in Irish. *By May 2006*, the Office will explore the options for providing a bilingual telephone greeting by reception staff. These options include the development of the language skills of those staff willing to participate and the recruitment of staff who are competent in Irish. The Office policy on internal staff mobility may also be relevant.
- 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 have a list to hand of staff competent in Irish, *from the commencement of the Scheme*.
- Staff identified as competent and willing to provide a service through Irish will leave a bilingual version of their voice mail messages, *from the commencement of the Scheme*.

### **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 service will be enhanced as follows, *from the commencement of the Scheme:*

- 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. Normally, a staff member competent to conduct the case in Irish will be assigned to a complaint /application where it is received in Irish. 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.

### **3.3 Regional Visits (Ombudsman)**

Approximately 3-4 regional visits are arranged each year. Details of these are publicised in local papers. 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 enhance the service as follows:

Arrangements will be made to provide a bilingual service at those areas adjacent to the Gaeltacht. This service will be notified in advance publicity advertising such visits *from the commencement of the Scheme.*

### **3.4 Press/Publicity**

- Simultaneous bilingual Press Releases will be made available, within the constraints outlined above at 2.1 *from the commencement of the Scheme*.
- A spokesperson for the organisation will be available to the media to provide an Irish service, if advance notice is provided, *from the commencement of the Scheme*.

## **4. Developing Staff Competence**

### **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 13 members of staff (16%) have volunteered to provide an Irish language service to the extent that their competence allows. Reception staff have 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.

### **4.2 Commitment**

The Office will take steps 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; 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 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 *from the commencement of the Scheme*.

- Staff who have passed the civil service Irish language competence test will be encouraged to use and build on their existing skills *from the commencement of the Scheme*.
- Volunteers will be sought across the organisation to participate in providing the service *from the commencement of the Scheme*.
- Staff competence will be developed through language training courses to be provided externally. 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 will be developed to encourage staff to participate in providing the Irish service, *within the lifetime of the Scheme*.
- A handbook of relevant vocabulary/phraseology will be developed, *within the lifetime of the Scheme*.
- The Office is developing a Rewards and Motivation Policy and will explore the possibility of using that policy to encourage staff to use and develop their Irish Language skills.

## **5. Assessing Demand**

In order to accurately assess the demand for services in Irish, the organisation will examine, by December 2005, existing procedures for recording enquiries and cases to ensure the accurate and comprehensive recording of the following:

- all complaints concerning the use of Irish and/or
- complaints/applications put forward in the Irish language.

## **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. It is proposed that this will be done by way of progress reports to the MAC by the Senior Investigator for each section on a twice yearly basis *beginning six months after the commencement of this Scheme.*

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 published on the websites and reported upon in the Annual Reports.
- Press release and advertising of the Scheme's publication and availability *possibly to be carried out in conjunction with the launch of the other schemes due to be approved by the DCRGA.*
- Circulation to those who made submissions on the Scheme, to Irish Language organisations, Citizens' Information Centres and relevant public bodies.

A copy of this Scheme has been forwarded to Oifig Choimisinéir na dTeangacha Oifigiúla.