

ANNUAL REPORT 2013

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 2013 is being presented by An Coimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga

February 2014

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 following is a translation into English of the address given by An Coimisinéir Teanga to a Joint Committee of the Oireachtas in Leinster House on 4 December 2013 when he announced his intention to step down from the position of Coimisinéir Teanga on 23 February 2014, by which date he will have completed 10 years in that role. He announced his decision while giving evidence to the Joint Committee on Public Service Oversight and Petitions.

A Chathaoirligh,

I would like to thank the Joint Committee for your invitation to appear before you today. My Office was established by legislation nearly 10 years ago with three distinct statutory functions: to provide an ombudsman service; to act as a compliance agency in relation to state services through Irish; and to provide advice on language rights and obligations.

Our Annual Report for 2012 was provided to the Minister for State for the Gaeltacht for laying before both Houses of the Oireachtas on 31st January 2013 and subsequently published on 12th March last.

In general, 2012 was not a vintage year for the promotion of the Irish language in the public sector, and for every one step forward there appeared to have been two steps backwards.

Ombudsman role

In relation to our role as an ombudsman service, we dealt last year with 756 cases of difficulties or problems with state services through Irish – the largest number of complaints from the public to the Office since its establishment. This represented an increase of 3% on the number of cases in the previous year. The vast majority of cases were resolved by means of informal negotiations with the relevant state bodies or by providing advice to the complainant.

A total of 13 formal investigations were commenced during 2012. Findings of breaches of individual elements of language legislation were made against a mix of public bodies including An Garda Síochána and 3 government departments.

Compliance agency

As regards functioning as a compliance agency, it is with regret that I report that three quarters of language schemes or statutory language plans agreed by the Department of Arts, Heritage and the Gaeltacht with various state

bodies had expired without renewal by the end of 2012, with a quarter of them out of date for three years or more. In 10 other cases, more than 6 years have elapsed since the Minister for Arts, Heritage and the Gaeltacht requested state bodies to prepare draft language schemes but they remain to be agreed. The failure to promote this element of language legislation in a meaningful way has been identified by the independent audit committee in my Office as a significant risk.

Such language schemes were to be the fundamental pillars of the legislation on which an increase in quantity and quality of services through Irish were to be based.

A dangerous precedent emerged for the first time in 2012 where a language scheme was amended to cancel a previously confirmed statutory obligation which would have cost little and would have been relatively simple to implement.

Rather than ensuring the implementation of the fairly innocuous obligation – that the “Fit for viewing” section of video/ DVD labels supplied by the Irish Film Classification Office be produced in bilingual format – a complaint from a member of the public prompted the eventual cancellation of the statutory commitment when the Department of Arts, Heritage and the Gaeltacht acceded to a request from the Department of Justice and Equality to have the commitment deleted from the scheme.

2013

The current year has seen a limited increase in the quantity of language schemes – 15 have been confirmed to date, yet 20 have expired in the same timeframe – but I am more concerned by the quality of some of those schemes. In too many instances the provision of services through Irish is conditional on “available resources”, which suggests that such services may be perceived as optional extras rather than fundamental rights. In one such scheme, commitment to the provision of services through Irish, detailed over 3 pages, has the condition “subject to available resources” listed 11 times.

In another scheme, a commitment to issue Irish versions of a limited category of press releases has the footnote that this will not require the Irish and English versions to be issued simultaneously – putting such a commitment on a statutory basis is an affront to the intelligence of any journalist working through Irish.

Would it not be an unfortunate and cynical practice if confirming language schemes were to become a box-ticking exercise rather than an effective mechanism for developing state services through Irish? I have been told by the Department of Arts, Heritage and the Gaeltacht that it is to redouble its efforts in relation to language schemes but I am concerned that with the damage already caused and the lack of confidence in the system, that it may prove impossible to salvage it now.

An Garda Síochána

I am glad to report that progress has been made by the management of An Garda Síochána in the provision of Garda services through Irish on foot of a complaint to my Office. A language rights awareness campaign is being promoted by senior management following an investigation into an incident in Dublin where a young man, who attempted to conduct his business through Irish when stopped by Gardaí in relation to a minor road traffic matter, found himself arrested and escorted in handcuffs to a Garda station where he was detained until a Garda was found who could deal with him through Irish. An Garda Síochána had failed in this instance to comply with a statutory commitment which recognises the right of the public to conduct business with the force in either official language, Irish or English.

In dealing with this case I noted an attitude, notwithstanding the constitutional status of Irish, that Irish speakers should be dealt with as if they were speakers of a foreign language. The discourse with Garda members involved in the incident placed “using Irish” and “dealing with foreign nationals” in the same space which might give rise to concern about how both groups were perceived.

The person detained in the case was not involved in an accident nor were there any allegations made concerning speeding or driving under the influence of alcohol. I was struck by the fact that Gardaí who had received their education within this country’s schools system and had finished their training in Templemore some short years previously had insufficient command of Irish to ask a driver when stopped at the roadside “Cad is ainm duit?” or to seek his address through Irish. No adequate support system was in place to facilitate their interaction with a member of the public who sought in this situation to conduct his business through Irish.

However, I welcome the positive attitude of the Garda Commissioner and senior management to the implementation of the recommendations I made on foot of this case and hope that the systematic change being introduced will prevent the occurrence of similar incidents.

An obligation confirmed in the Garda Síochána Act 2005 that only members fluent in Irish should be stationed in Gaeltacht areas is also receiving more focussed attention from Garda management following a complaint detailed in a previous report about the absence of Gardaí with Irish in Gaath Dobhair, a heartland of the Donegal Gaeltacht. While the matter is not yet fully resolved, I am glad to report that the Garda Commissioner has now confirmed that, in order to facilitate compliance with the requirement of the Garda Síochána Act, future recruitment to the organisation will see a percentage (up to 10%) of places reserved specifically for Irish speakers who will subsequently be attached to Gaeltacht stations for a period of up to 5 years. This should ensure in a number of years that 100% of Gaeltacht Gardaí are fluent Irish speakers.

Competence in Irish

In general, the absence of staff with competence in both official languages of the State remains one of the main factors restricting state bodies in their delivery of services to the public in Irish as well as in English. The system of awarding bonus marks for competence in both Irish and English at recruitment and promotional competitions in the Civil Service which replaced 'compulsory Irish' in 1975 is currently being replaced by a new system on a pilot basis.

The old system – of bonus marks – failed because it was never properly implemented. I firmly believe that the new system, which I consider to be ill-conceived, will also fail and that consequently the Irish language will continue to be marginalised in public administration. For example, research we have to hand using official figures from the Department of Education and Skills suggests that if the new system were to be fully implemented in the most positive way, it would take in the region of 28 years to raise the current level of fluency in Irish in that Department from 1½% to 3%.

I would appeal today to the authorities to revisit the proposed system in a meaningful way when the Official Languages Act is being reviewed and amended.

Gaeltacht

I have also suggested that in amending the Act a clear provision should be added requiring the staff members of all state agencies assigned to providing services to Gaeltacht communities to be fluent in Irish without terms or conditions applying. Research by my Office recently revealed that such a statutory provision was in fact enacted in 1928 but its introduction was regularly postponed by statutory instruments on 54 occasions until it was quietly shelved in 1966. The idea of continuously 'kicking the can down the road' on this matter, as has been the norm for decades, is no longer an option.

Reports to both Houses

In common with other ombudsman services, I am empowered to make findings and recommendations following an investigation. Such findings may be appealed to the High Court on a point of law. However, if findings or recommendations are not appealed but are nevertheless not implemented, I am required to report such failure to the Houses of the Oireachtas. I have done this on 3 occasions in the past and I thank this Joint Committee for the follow-up work it has undertaken with the state bodies involved. I regret to say that I have recently laid 3 further reports before both Houses in cases where the state bodies in question did not appeal my findings to the High Court but subsequently failed to implement the recommendations. The organisations involved are Iarnród Éireann, Westmeath County Council and the Office of Public Works. It falls to the Houses of the Oireachtas to take

whatever action they deem appropriate, should they so wish, in these cases.

Review

While a review of the Official Languages Act was announced in November 2011 – more than 2 years ago – and a substantial public consultation process ensued which ended in January 2012, little or nothing has been heard publicly of the results of that process since then. This vacuum simply has not been helpful.

A Government decision was made in November 2011 to merge the functions of my Office with the Office of the Ombudsman as part of the *Public Service Reform Plan*. This decision was made without reference to me or to the then Ombudsman. No details are available publicly of the proposed arrangement or how it is thought it ought to work and I would be concerned about the future viability of the Office itself, including the implications for its staffing.

The Office is one of the smallest agencies of the State – with a budget smaller even than the Irish secret service! We have a current staff level of 4.4 civil servants. We have 3 unfilled vacancies at present and our budget has shrunk by 45% since 2008. The Office was never given adequate resources to fully perform its statutory obligations in a satisfactory manner.

Conclusion

For those generally involved with the protection or promotion of the Irish language, either professionally or voluntarily, we are in a time of great uncertainty. Never before have I seen in over 30 years' experience – as a journalist or language commissioner – morale and confidence so low. Despite the enormous goodwill of the vast majority of the people of this country, the language continues to drift further to the margins of society including within much of the public sector; bringing it back to the mainstream is no simple procedure.

An essential first step would require that in amending the Official Languages Act as part of the programme for Government, that a clear provision be made to ensure that state employees serving the Gaeltacht communities are Irish speaking without question or conditions – forcing native Irish speakers to use English in dealing with the agencies of the State must not be allowed to continue. And in parallel, it is essential that the issue of the Irish language in recruitment and promotion in the Civil and Public Service in general be revisited immediately – there is absolutely no way that the most recent proposal in relation to the Civil Service will work.

If those two elements – the use of Irish in dealing with Gaeltacht communities and ensuring an adequate Irish language capacity in public administration – are not addressed by the State when the legislation is being amended, I fear that the exercise will be seen as a fudge, a farce or a

falsehood.

As we begin to regain our economic sovereignty, it would be a travesty if we were to lose our linguistic sovereignty – a cornerstone of our cultural identity, heritage and soul as a nation. I believe this to be a clear and present danger.

By the end of February next I will have held the position of Coimisinéir Teanga for 10 years. Although my term of office runs for a further 2 years my heartfelt belief is, in view of the information I have presented to you today, that there is little else I can personally achieve in that timeframe in relation to language rights for Irish speakers and Gaeltacht communities. It is therefore with regret that I announce that I have decided to resign from my position as Coimisinéir Teanga on 23 February next. I have informed the President of Ireland of this decision today as required by legislation.

I would like at this stage to thank everyone who has helped me during the years in which I have held this position – in particular the small, dedicated team of staff in my Office. I thank all of those in politics and in the state sector in general who supported our work. I appreciate the support we received from the media, particularly from Irish language journalists, from Gaeltacht and Irish language organisations, from academia, from those who provided advice either professionally or voluntarily, from other language commissioners throughout the world, from civil and public servants, friends and many others who have helped in so many ways.

But above all, I wish to express my sincere thanks to the people of the Gaeltacht and to Irish speakers in general for the confidence they placed in me and the staff of my Office over the past 10 years.

I thank you, a Chathaoirligh, and the members of the Joint Committee for your attention today.

Go raibh míle maith agaibh.

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 for 6 years 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.

On 4 December 2013, I informed the President, Michael D. Higgins, and later told a Joint Oireachtas Committee in Leinster House that I intended to resign from my position as Coimisinéir Teanga on 23 February 2014, on completing 10 years in office.

A detailed account of the work of the Office since its establishment in 2004 is provided in the annual reports available on the Office's website: www.coimisineir.ie. 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.

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). 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. No Regulations had been made by the end of 2012 regarding advertisements or live oral announcements.

An amendment was made to the Official Languages Act 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 formal review of the Official Languages Act formed part of the programme for government of the new administration that came to power in 2011. In July 2011, my Office published a commentary, as a special report, under section 29 of the Official Languages Act on the practical application and operation of the Act. A public consultation period organised by the Department of Arts, Heritage and the Gaeltacht in relation to a review of the Official Languages Act ended on 31 January 2012. By the end of 2013 the Department of Arts, Heritage and the Gaeltacht had not published any information or analysis on the public’s wishes as reflected in the public consultation exercise.

In November 2012, the Government announced that it would proceed with its decision (November 2011) to merge the functions of the Office of An Coimisinéir Teanga with the Office of the Ombudsman as part of the *Public Service Reform Plan*. It was announced that An Coimisinéir Teanga would continue to be appointed statutorily, be based in the Gaeltacht and would continue to perform the current functions of An Coimisinéir Teanga in an independent manner under the Official Languages Act 2003.

Picture 1: Oireachtas Joint Committee on Public Service Oversight and Petitions.

HEADLINES over the past 10 years: 2004-2014

- Complaints ... 6,126 to 31 December 2013 (28% from the Gaeltacht)
- 23% of complaints related to Government Departments and Offices, 32% to local authorities and the rest to a wide range of state organisations
- 1,862 requests for advice concerning language obligations from state organisations
- 96 formal investigations undertaken
- 213 reviews/audits of language schemes completed
- 9 annual reports and audited financial accounts published
- 6 special reports laid before the Houses of the Oireachtas
- Website developed as a one stop shop on all aspects of language rights and obligations
- Language Rights Charter published
- Guidebook to the Official Languages Act published
- Recommendations on the reform of the Official Languages Act published
- Television advertising campaigns on language rights developed and broadcast
- Educational resource on Language Rights for the Junior Certificate Civic, Social and Political Education (CPSE) course developed and distributed to schools
- Language rights event commemorating Myles Joyce and the Mám Trasna Murders organised in Galway
- Participation in numerous events to develop awareness of language rights and obligations
- Lectures given on language rights in almost all third level institutions in Ireland
- Regular assistance given in relation to national and international research on language rights and obligations
- Advice and training provided through the OSCE to the Government of Kosovo on the establishment of a language commissioner's office in Kosovo
- International conference on language rights organised in Dublin
- Proactive in establishing the International Association of Language Commissioners

INFORMATION & COMMUNICATION SERVICES

During 2013, the Office of An Coimisinéir Teanga continued to provide information to the public and to public bodies about the Official Languages Act and about the Office itself.

Advice to 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 2013, officials from public bodies contacted the Office of An Coimisinéir Teanga on 126 separate occasions either with specific questions or seeking advice about their obligations under the Act. Approximately 57% of these queries concerned advice on the duties of public bodies with regard to the use of the Irish and English languages on signage, stationery and recorded oral announcements, 12% concerned language schemes, 6% the publication of documents bilingually under Section 10 of the Act and 25% concerned other matters to do with the Act.

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 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. In addition, the website provides a copy of every language scheme agreed to date.

An electronic version of an educational resource, Cearta Teanga / Language Rights, is available online at 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.

In accordance with the eGovernment agenda, the website is included in www.gov.ie and a link is available under 'online services/complain'. All pages of the website are, at a minimum, AA accessible.

Media

During 2013, An Coimisinéir Teanga 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. The efforts of 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 are much appreciated.

Prizes of An Coimisinéir Teanga

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. In 2013, two students shared first place and it was decided that two prizes of €250 would be awarded. The joint winners of An Coimisinéir Teanga's prize for 2013 were Clíona Ní Chatháin and Sarah Mulvey.

Picture 2: Clíona Ní Chatháin, joint winner of An Coimisinéir Teanga's prize in 2013 for the BA degree in the National University of Ireland, Galway, pictured here at the conferring.

Picture 3: Sarah Mulvey, joint winner of An Coimisinéir Teanga's prize in 2013 for the BA degree in the National University of Ireland, Galway, pictured here at the conferring.

INTERNATIONAL CONFERENCE ON LANGUAGE RIGHTS

An International Conference on Language Rights was organised in Dublin by the Office of An Coimisinéir Teanga in association with Fiontar DCU and the Language, Policy and Planning Research Unit, Cardiff University, Wales on 23 and 24 May 2013. The conference took place ten years after the enactment of the Official Languages Act (2003) in Ireland and at a time when that legislation was under review by Government.

Language commissioners from Europe, North America and Africa participated in the conference. They were received in Áras an Uachtaráin by the President of Ireland, Michael D. Higgins, on the first day of the event.

The core objectives of the conference were the sharing of best practice and the exchange of information and lessons learnt in the area of languages. The gathering also provided delegates from Ireland an opportunity to evaluate the position of the Irish language, both in the Gaeltacht and throughout the country, in an international context. In addition, the organisers of the conference aimed to bring together language commissioners from around the world to discuss the formation of an international association of language commissioners.

The presentations given at the conference are available on the Office website at www.coimisineir.ie/media and there is additional information on the conference at <http://anghaeltacht.net/CICT>

Picture 4: Áras an Uachtaráin / Conference.

INTERNATIONAL ASSOCIATION OF LANGUAGE COMMISSIONERS

The International Association of Language Commissioners was founded by Language Commissioners from Canada, Catalonia, South Africa, Wales, New Brunswick, Ireland, Ontario, Kosovo and Nunavut when they met at the International Conference on Language Rights which took place in Dublin on 24 May 2013.

Graham Fraser, Commissioner of Official Languages, Canada, was elected as the first Chairperson of the Association and Seán Ó Cuirreáin as the first Secretary.

The **mission** of the INTERNATIONAL ASSOCIATION OF LANGUAGE COMMISSIONERS is to support and advance language rights, equality and diversity throughout the world and to support language commissioners so they may work to the highest professional standards by:

- sharing experience and exchanging knowledge of best practice;
- advising or assisting in the establishment of language commissioners offices;
- facilitating an exchange of training and professional development resources, research and information;
- cooperating with like-minded organisations who value language rights, diversity, promotion and protection.

The Association will promote the principle of independence of language commissioners and will support its membership by providing the best advice and assistance as appropriate. In addition, the Association will support regions that wish to create a position of language commissioner or advance their language rights.

The next annual general meeting and conference of the Association will take place in Barcelona, Spain in March 2014. In general, however, in advancing the work of the Association, the language commissioners regularly meet online by means of videoconferencing.

MONITORING

In accordance with the provisions of the legislation, An Coimisinéir Teanga is responsible for monitoring the way in which public bodies comply with the requirements set out in the Official Languages Act. The primary objective of the monitoring role is to ensure, insofar as possible, that public bodies comply with requirements in relation to the use of the official languages.

An audit plan was prepared for the year that focused on three compliance objectives whilst also taking account of the monitoring resources available to the Office. The monitoring work for the year concentrated on the following compliance areas:

- Monitoring the implementation of language schemes
- An audit on the use of official languages on signage by Government Departments
- Monitoring the implementation of recommendations made in investigative reports

Monitoring of language schemes

Language schemes are an integral part of the Act as they are the primary mechanism available to statutorily require public bodies to provide additional services through Irish. The Minister for Arts, Heritage and the Gaeltacht is responsible for the confirmation of language schemes and the Office of An Coimisinéir Teanga does not play any part in that process. This Office is responsible for monitoring the way in which public bodies implement their language schemes.

It is customary for this Office to examine the progress made by public bodies in implementing the language scheme once the first year of its operation has passed. The objective of this review is to ensure that public bodies have the appropriate systems, structures and arrangements in place to allow for the successful implementation of their statutory commitments within the operational timeframe of the scheme. The third year audit concentrates on obtaining evidence that demonstrates whether or not the provisions of the language scheme were implemented successfully by the public body.

During 2013, this Office monitored the implementation of 15 language schemes. The audits were implemented as follows:

Type of scheme		
Type of scheme	Period scheme in operation	Total audits
First language scheme	One year	2
	Three years	9
Second language scheme	One year	1
	Three years	3

The monitoring process found that very few public bodies manage to satisfactorily implement all the commitments given in the language scheme within the agreed timelines. In the majority of cases, this Office manages to reach a satisfactory agreement with most public bodies to ensure that statutory commitments are implemented in due course. In accordance with the provisions of the legislation, this Office does not have the power nor the authority to amend commitments given by a public body that have been confirmed in a language scheme by the Minister. This Office is left with little alternative other than to initiate an official investigation in instances where it cannot come to a satisfactory agreement with a public body in relation to outstanding commitments.

During 2013, it was apparent that the absence of sufficient numbers of staff with competence in Irish and the lack of financial resources were the main obstacles for public bodies in achieving the commitments given in language schemes. Often, this delayed the implementation of certain commitments that had the objective of increasing the range and quality of services to be provided in Irish.

Reviews completed and reports issued, 2013

Name of Public Body
Department of Arts, Heritage & the Gaeltacht
Dublin Institute of Technology
Carlow Local Authorities
Irish Film Board
The Equality Tribunal
Cavan Local Authorities
Laois Local Authorities
Department of Health
County Clare Vocational Education Committee
The Training and Employment Authority (FÁS)
University of Limerick
Department of Defence
Trinity College Dublin
Department of the Taoiseach
Department of the Environment, Community & Local Government

Audit of Signage

In October 2008, the Minister for Community, Rural and Gaeltacht Affairs published regulations under subsection 9(1) of the Official Languages Act 2003. These regulations related to the use of the official languages on stationery, signage agus recorded oral announcements. During the current year, this Office completed an audit that examined the way in which government departments were complying with the provisions of the regulations that related to signage.

In summary, insofar as it relates to signage, all public bodies must ensure any new signs erected since 1 March 2009 are in Irish or in Irish and English. Public bodies had until 1 March 2013 to modify any signs that were in English only and erected before the commencement of the regulations. In practicable terms this should ensure that all signs covered by the regulations are in Irish or bilingual other than those that may be subject to an exemption.

In April 2013, this Office notified all government departments that we would be conducting an audit of signage in the autumn. The audit was carried out in two parts: the first part related to ascertaining details from the government departments as to the arrangements in place to ensure that signage was in compliance with the regulations; the second part was a site visit of various workplaces to examine the

signage in use.

As part of the scoping exercise, it was decided to examine two workplaces for government departments that did not have public offices. As both the Department of Social Protection and the Department of Agriculture, Food and the Marine have public offices, it was decided to examine four of their regional offices and two of their principal offices. Government departments received a grade of satisfactory, not completely satisfactory or unsatisfactory depending on the level of compliant and non-compliant signage in use.

The audit findings showed that most government departments were complying with the requirements of the regulations. Two government departments, or 12.5% of the sample, received a grade of unsatisfactory and another government department, or 6% of the sample, received a grade of not completely satisfactory. In total, almost 20% of the government departments did not receive a grade of satisfactory despite having received prior notification of the audit.

It should be noted that this was not an unannounced audit and that many departments admitted that they acted to ensure compliance once they received notification of the audit.

Government departments that received a grade of unsatisfactory have been asked to submit a plan to this Office outlining the steps the department intends to take to ensure compliance with the regulations. The implementation of that plan will be examined next year.

Picture 5: Examples of compliant signage.

Picture 6: Examples of non-compliant signage.

Ainm na Roinne	Department Name	Grád / Grade	Ionaid scrúdaithe / Sites examined
An Roinn Airgeadais	<i>Department of Finance</i>	Sásúil / Satisfactory	2
An Roinn Coimirce Sóisialaí	<i>Department of Social Protection</i>	Sásúil / Satisfactory	6
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil	<i>Department of the Environment, Community & Local Government</i>	Sásúil / Satisfactory	2
An Roinn Cosanta	<i>Department of Defence</i>	Sásúil / Satisfactory	2
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádurtha	<i>Department of Communications, Energy & Natural Resources</i>	Sásúil / Satisfactory	2
An Roinn Dlí agus Cirt agus Comhionannais	<i>Department of Justice and Equality</i>	Sásúil / Satisfactory	2
An Roinn Ealaíon, Oidhreachta & Gaeltachta	<i>Department of Arts, Heritage & the Gaeltacht</i>	Sásúil / Satisfactory	3
An Roinn Leanaí agus Gnóthaí Óige	<i>Department of Children and Youth Affairs</i>	Sásúil / Satisfactory	1
An Roinn Oideachais & Scileanna	<i>Department of Education & Skills</i>	Sásúil / Satisfactory	2
An Roinn Post, Fiontar agus Nuálaíochta	<i>Department of Jobs, Enterprise & Innovation</i>	Sásúil / Satisfactory	2
An Roinn Sláinte	<i>Department of Health</i>	Sásúil / Satisfactory	1
Roinn an Taoisigh	<i>Department of the Taoiseach</i>	Sásúil / Satisfactory	1
An Roinn Caiteachais Phoiblí agus Athchóirithe	<i>Department of Public Expenditure and Reform</i>	Sásúil / Satisfactory	2
An Roinn Talmhaíochta, Bia agus Mara	<i>Department of Agriculture, Food and the Marine</i>	Míshásúil / Unsatisfactory	6
An Roinn Gnóthaí Eachtracha agus Trádála	<i>Department of Foreign Affairs and Trade</i>	Míshásúil / Unsatisfactory	2

An Roinn Iompair, Turasóireachta agus Spóirt	<i>Department of Transport, Tourism and Sport</i>	Gan a bheith iomlán sásúil <i>Not completely satisfactory</i>	2
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Monitoring the implementation of the recommendations of investigations

In accordance with the Official Languages Act, An Coimisinéir Teanga has the right to submit a report to each House of the Oireachtas if he forms the opinion that a public body is not implementing recommendations made by him in a report on an investigation after a reasonable period of time has elapsed. In accordance with legislation, this is the final recourse available to An Coimisinéir Teanga where a public body does not comply with the recommendations made in an investigative report.

To date, six special reports have been laid before the Houses of the Oireachtas by An Coimisinéir Teanga.

Bliain Year	Ainm an Chomhlachta Phoiblí Name of Public Body	Ábhar na Tuarascála Report matter
2011	Feidhmeannacht na Seirbhíse Sláinte <i>Health Service Executive</i>	Gealltanais áirithe den scéim teanga gan a bheith curtha i ngníomh agus comharthaíocht a bhain le fliú na muc gan a bheith ag cloí leis na rialacháin atá déanta faoi fho-alt 9(1) den Acht. <i>Non-implementation of certain commitments contained in its language scheme agus signage relating to the swine flu that were not in accordance with the regulations made under subsection 9(1) of the Act.</i>
2011	Ard-Mhúsaem na hÉireann <i>National Museum of Ireland</i>	Gan líon leordhóthanach foirne le hinniúlacht sa Ghaeilge a bheith ag an gcomhlacht poiblí chun cur ar a chumas seirbhís a sholáthar sa dá theanga oifigiúla. <i>Public body not having sufficient staff with competency in Irish to enable it to provide services in both official languages.</i>
2012	An Roinn Coimirce Sóisialaí <i>Department of Social Protection</i>	Córas a úsáideadh do bhronnadh marcanna bónais as inniúlacht Gaeilge i gcomórtais ardaíthe céime sa Státseirbhís. <i>Procedures adopted for the awarding of bonus marks for competency in Irish in promotion competitions in the Civil Service.</i>
2013	Oifig na nOibreacha Poiblí <i>Office of Public Works</i>	Úsáid ainm an chomhlachta phoiblí ar stáiseanóireacht agus comharthaíocht. <i>Use of the public body's name on stationery and signage.</i>
2013	Údaráis Áitiúla na hIarmhí <i>Westmeath Local Authorities</i>	Gealltanais áirithe den scéim teanga gan a bheith curtha i ngníomh. <i>Non-implementation of certain commitments contained in its language scheme.</i>
2013	Iarnród Éireann	Comharthaí leictreonacha i mBéarla amháin. <i>Electronic signage in English only.</i>

LANGUAGE SCHEMES

Schemes confirmed

The Minister for Arts, Heritage and the Gaeltacht confirmed four new language schemes and 11 second language schemes during 2013. The Minister also confirmed a third language scheme with one public body. In total, the Minister confirmed 16 language schemes with public bodies during 2013.

During the current year 12 public bodies, who had agreed language schemes with the Minister, were dissolved.

There were 98 languages schemes covering a total of 184 public bodies confirmed by the end of 2013.

Schemes expired

Of the 98 language schemes, 72 had expired by year end, 2013. This meant that, in the absence of a second or a third language scheme, no additional commitments in relation to improved services in Irish were required of those public bodies.

Draft schemes

By the end of 2013, some 47 first draft schemes remained to be confirmed by the Minister for Arts, Heritage and the Gaeltacht. In addition, the Minister had requested 60 public bodies to prepare a second draft scheme and 11 public bodies to prepare a third draft scheme. As a result, 118 public bodies have been requested to prepare a language scheme by year end.

Bliain inar daingníodh an chéad Scéim Teanga • *Year in which first Language Scheme was confirmed*

Bliain Year	Scéimeanna Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2004	1	1
2005	22	35
2006	18	36
2007	29	55
2008	15	28
2009	15	26
2010	5	10
2011	0	0
2012	3	3
2013	4	4
	112	198
Scéimeanna dímholta Schemes superseded	2	2
Scéimeanna as feidhm Lapsed schemes	12	12
Iomlán • Total	98	184

An chéad dréachtscéim fós le daingniú • *First draft scheme not yet confirmed*

Bliain Year	Dréachtscéimeanna Draft Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2005	16	25
2006	71	129
2007	42	79
2008	30	54
2009	31	43
2010	26	34
2011	28	36
2012	39	49
2013	47	54

An dara dréachtscéim fós le daingniú • *Second draft scheme not yet confirmed*

Bliain Year	Dréachtscéimeanna Draft Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2007	20	33
2008	22	35
2009	48	84
2010	54	104
2011	72	139
2012	73	149
2013	60	136

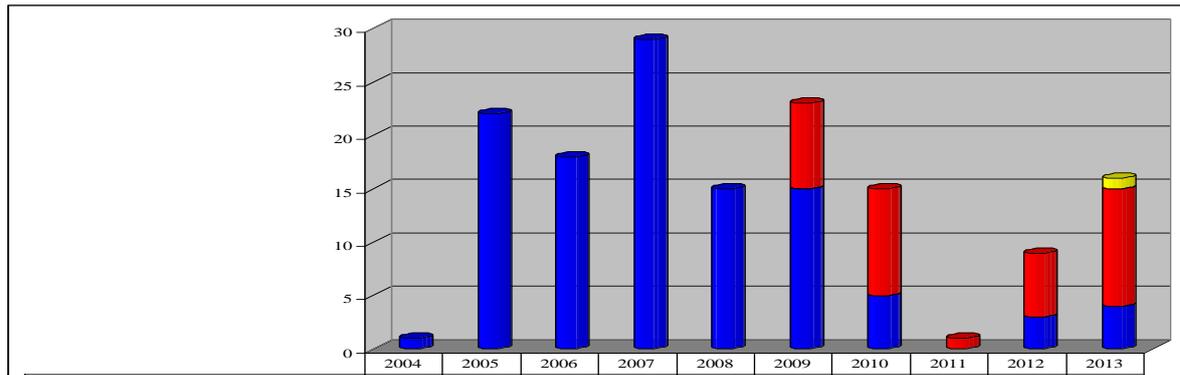
An tríú dréachtscéim fós le daingniú • *Third draft scheme not yet confirmed*

Bliain Year	Dréachtscéimeanna Draft Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2011	1	1
2012	7	8
2013	11	19

Léirmheasanna / Iniúchtaí Críochnaithe • *Reviews / Audits Completed*

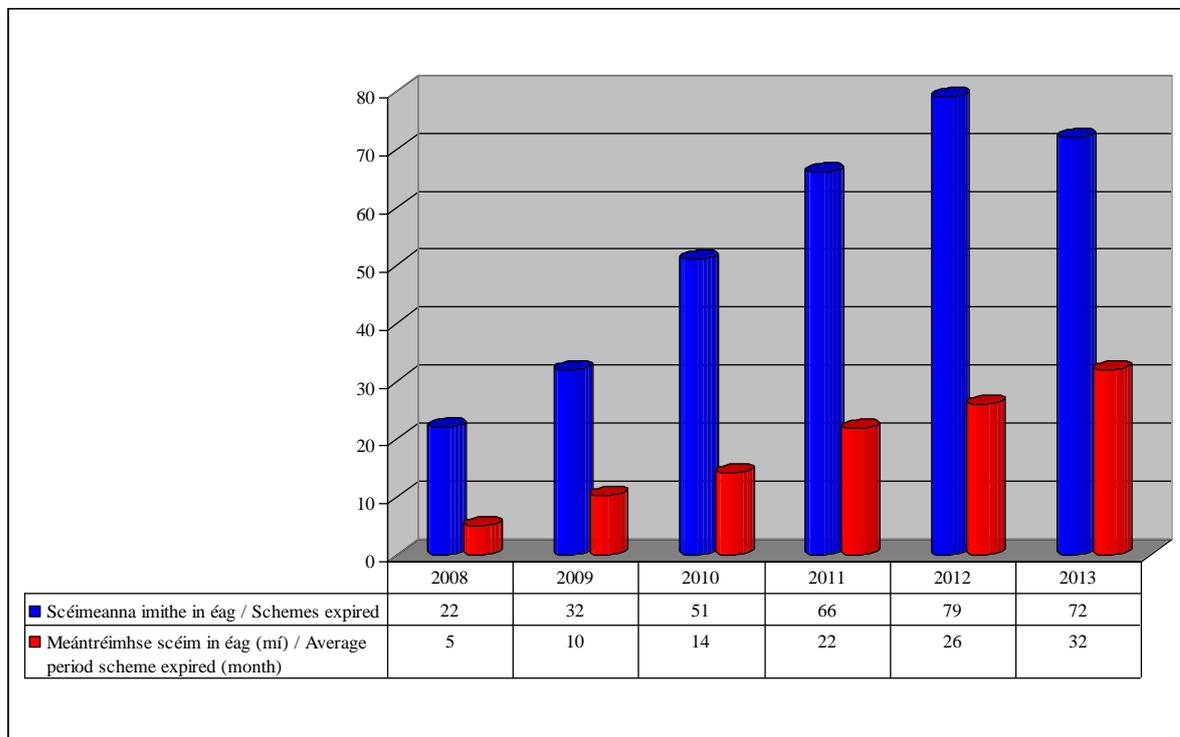
Bliain Year	Scéimeanna Schemes	Comhlachtaí Poiblí san Áireamh Public Bodies Included
2006	9	16
2007	25	43
2008	42	74
2009	39	73
2010	33	50
2011	29	62
2012	21	34
2013	15	22
Iomlán / Total	213	374

Scéimeanna Daingnithe ag an Aire • Schemes Confirmed by the Minister

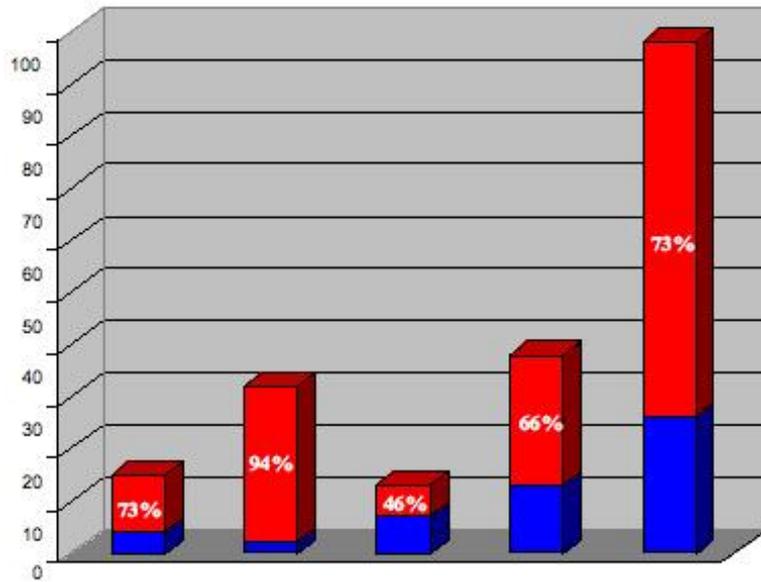


	An Tríú Scéim Daingnithe <i>Third Scheme Confirmed</i>									1	
	An Dara Scéim Daingnithe <i>Second Scheme Confirmed</i>					8	10	1	6	11	
	An Chéad Scéim Daingnithe <i>First Scheme Confirmed</i>	1	22	18	29	15	15	5	0	3	4

Scéimeanna imithe in éag • Schemes expired

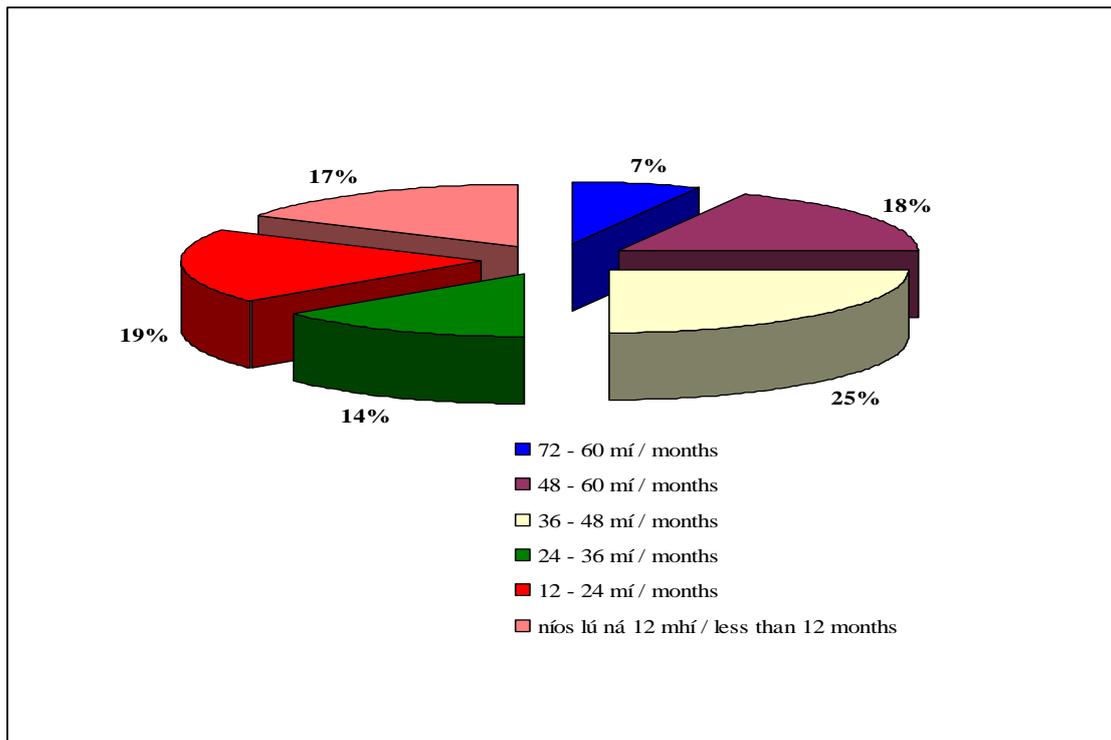


Scéimeanna in éag de réir cineál comhlachta phoiblí • Schemes expired by type of public body



		Ranna Rialtais <i>Government Departments</i>	Údarás Áitiúla <i>Local Authorities</i>	Institiúidí 3ú Leibhéal <i>3rd Level Institutions</i>	Comhlachtaí Eile Stáit <i>Other Public Bodies</i>	Iomlán <i>Total</i>
■	Scéimeanna in éag <i>Schemes expired</i>	11	30	6	25	72
■	Scéimeanna nach bhfuil in éag <i>Schemes not expired</i>	4	2	7	13	26

Tréimhse scéimeanna in éag • *Period schemes expired*



Scéimeanna daingnithe faoi dheireadh 2013 • Schemes confirmed by the end of 2013

Ainm an Chomhlachta Phoiblí	Name of Public Body	Tosach feidhme na scéime teanga is deireanaí Commencement date of most recent language scheme
Scéim 1	Scheme 1	
An Chomhairle Ealaíon	<i>The Arts Council</i>	01/07/05
Údarás Áitiúla Chontae Phort Láirge	<i>Waterford County Local Authorities</i>	01/08/05
Údarás Áitiúla Chontae na Gaillimhe	<i>County Galway Local Authorities</i>	23/08/05
Feidhmeannacht na Seirbhíse Sláinte, Limistéar an Iarthair	<i>Health Service Executive, Western Area</i>	01/09/05
Ollscoil na hÉireann, Má Nuad	<i>National University of Ireland, Maynooth</i>	19/09/05
An Roinn Airgeadais	<i>Department of Finance</i>	01/02/06
Ollscoil Chathair Bhaile Átha Cliath	<i>Dublin City University</i>	03/04/06
An Roinn Talmhaíochta, Bia agus Mara	<i>Department of Agriculture, Food and the Marine</i>	01/06/06
An Roinn Dlí agus Cirt agus Comhionannais	<i>Department of Justice and Equality</i>	30/06/06
Comhairle Cathrach Bhaile Átha Cliath	<i>Dublin City Council</i>	13/07/06
Údarás Áitiúla na Mí	<i>Meath Local Authorities</i>	01/09/06
Údarás Áitiúla Fhine Gall	<i>Fingal Local Authorities</i>	01/10/06
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádurtha	<i>Department of Communications, Energy & Natural Resources</i>	02/10/06
An Roinn Gnóthaí Eachtracha agus Trádála	<i>Department of Foreign Affairs and Trade</i>	01/12/06
Banc Ceannais na hÉireann	<i>Central Bank of Ireland</i>	01/12/06
Coláiste na hOllscoile, Corcaigh	<i>University College Cork</i>	01/12/06
Údarás Áitiúla Mhaigh Eo	<i>Mayo Local Authorities</i>	22/12/06
Comhairle Contae Liatroma	<i>Leitrim County Council</i>	01/01/07
An tÚdarás Clárúcháin Maoine	<i>Property Registration Authority</i>	02/04/07
An Foras Riaracháin	<i>Institute of Public Administration</i>	10/04/07

Coimisiún Forbartha an Iarthair	<i>Western Development Commission</i>	10/04/07
An Roinn Iompair, Turasóireachta agus Spóirt	<i>Department of Transport, Tourism and Sport</i>	30/04/07
Oifig na nOibreacha Poiblí	<i>Office of Public Works</i>	08/05/07
An Bord um Chúnamh Dlíthiúil	<i>Legal Aid Board</i>	28/05/07
An Roinn Coimirce Sóisialaí	<i>Department of Social Protection</i>	01/06/07
Údaráis Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	<i>North Tipperary Local Authorities & County Tipperary Joint Libraries Committee</i>	01/06/07
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	<i>Dún Laoghaire-Rathdown County Council</i>	01/07/07
Údaráis Áitiúla an Chláir	<i>Clare Local Authorities</i>	20/08/07
Údaráis Áitiúla Chorcaí	<i>Cork Local Authorities</i>	01/10/07
Comhairle Cathrach Luimnigh	<i>Limerick City Council</i>	01/10/07
Údaráis Áitiúla Ros Comáin	<i>Roscommon Local Authorities</i>	01/10/07
Údaráis Áitiúla na hIarmhí	<i>Westmeath Local Authorities</i>	01/10/07
Comhairle Cathrach Chorcaí	<i>Cork City Council</i>	31/10/07
An Phríomh-Oifig Staidrimh	<i>Central Statistics Office</i>	05/11/07
Údaráis Áitiúla Lú	<i>Louth Local Authorities</i>	20/11/07
Teagasc	<i>Teagasc</i>	01/01/08
Comhairle Contae Luimnigh	<i>Limerick County Council</i>	01/02/08
An tÚdarás um Ard-Oideachas	<i>Higher Education Authority</i>	01/06/08
Údaráis Áitiúla Chontae Mhuineacháin	<i>Monaghan Local Authorities</i>	01/06/08
Comhairle Cathrach Phort Láirge	<i>Waterford City Council</i>	01/06/08
Leabharlann Chester Beatty	<i>Chester Beatty Library</i>	15/06/08
Údaráis Áitiúla an Longfoirt	<i>Longford Local Authorities</i>	01/07/08
An Bord um Fhaisnéis do Shaoránaigh	<i>Citizens Information Board</i>	07/07/08
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	<i>Office of the Director of Corporate Enforcement</i>	14/07/08
Údaráis Áitiúla Chontae Chill Dara	<i>Kildare Local Authorities</i>	08/09/08
Údaráis Áitiúla Cheatharlach	<i>Carlow Local Authorities</i>	01/10/08
Oifig an Ard-Reachtair Cuntas & Ciste	<i>Office of the Comptroller & Auditor General</i>	19/01/09
An Binse Comhionannais	<i>The Equality Tribunal</i>	01/02/09
Bord Scannán na hÉireann	<i>Irish Film Board</i>	27/04/09

Údaráis Áitiúla Chill Mhantáin	<i>Wicklow Local Authorities</i>	25/05/09
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	<i>Companies Registration Office & Registry of Friendly Societies</i>	26/05/09
An Garda Síochána	<i>An Garda Síochána</i>	28/05/09
Foras na Mara	<i>Marine Institute</i>	06/07/09
Údaráis Áitiúla Chontae an Chabháin	<i>Cavan Local Authorities</i>	20/07/09
Údaráis Áitiúla Laoise	<i>Laois Local Authorities</i>	01/12/09
An Roinn Sláinte	<i>Department of Health</i>	15/12/09
Údaráis Áitiúla Loch Garman	<i>Wexford Local Authorities</i>	11/01/10
Údaráis Áitiúla Shligigh	<i>Sligo Local Authorities</i>	28/07/10
Institiúid Teicneolaíochta Thrá Lí	<i>Institute of Technology, Tralee</i>	18/10/10
Institiúid Teicneolaíochta Dhún Dealgan	<i>Dundalk Institute of Technology</i>	18/10/10
An Roinn Post, Fiontar agus Nuálaíochta*	<i>Department of Jobs, Enterprise & Innovation</i>	25/10/10
An Roinn Ealaíon, Oidhreacht & Gaeltachta	<i>Department of Arts, Heritage & the Gaeltacht</i>	01/05/12
Institiúid Teicneolaíochta Bhaile Átha Cliath	<i>Dublin Institute of Technology</i>	22/05/12
Oifig Thithe an Oireachtais	<i>Office of the Houses of the Oireachtas</i>	31/07/12
Údarás Aerfort Bhaile Átha Cliath	<i>Dublin Airport Authority</i>	26/08/13
Údarás Craolacháin na hÉireann	<i>Broadcasting Authority of Ireland</i>	16/09/13
Institiúid Teicneolaíochta Bhaile Átha Luain	<i>Athlone Institute of Technology</i>	11/10/13
An Roinn Leanaí agus Gnóthaí Óige	<i>Department of Children and Youth Affairs</i>	14/10/13
Scéim 2	Scheme 2	
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	<i>Office of the Commission for Public Service Appointments</i>	11/05/09
Roinn an Taoisigh	<i>Department of the Taoiseach</i>	21/12/09
Comhairle Cathrach na Gaillimhe	<i>Galway City Council</i>	23/12/09
Ollscoil Luimnigh	<i>University of Limerick</i>	29/12/09
Oifig an Stiúrthóra Ionchúiseamh Poiblí	<i>Office of the Director of Public Prosecutions</i>	20/04/10
Údaráis Áitiúla Dhún na nGall	<i>Donegal Local Authorities</i>	01/07/10
Oifig an Choimisinéara Cosanta Sonraí	<i>Office of the Data Protection Commissioner</i>	18/10/10

Oifig an Ard-Aighne; Oifig na nDréachtóirí Parlaiminte don Rialtas; Oifig an Phríomh-Atur nae Stáit	<i>Office of the Attorney General; Office of the Parliamentary Counsel to the Government; Chief State Solicitor's Office</i>	18/10/10
An Roinn Cosanta	<i>Department of Defence</i>	25/10/10
Údaráis Áitiúla Chiarraí	<i>Kerry Local Authorities</i>	26/10/10
Óglaigh na hÉireann	<i>The Defence Forces</i>	22/12/10
An Bord Pleanála	<i>An Bord Pleanála</i>	29/08/11
Institiúid Teicneolaíochta Leitir Ceanainn	<i>Letterkenny Institute of Technology</i>	20/06/12
Comhairle Contae Bhaile Átha Cliath Theas	<i>South Dublin County Council</i>	30/07/12
Coláiste Oideachais Eaglais na hÉireann	<i>Church of Ireland College of Education</i>	07/08/12
An Crannchur Náisiúnta	<i>The National Lottery</i>	20/08/12
Ollscoil na hÉireann, Gaillimh	<i>National University of Ireland, Galway</i>	23/10/12
Oifig an Ombudsman & Oifig an Choimisinéara Faisnéise	<i>Office of the Ombudsman & Office of the Information Commissioner</i>	27/11/12
Oifig an Uachtaráin	<i>Office of the President</i>	28/01/13
Institiúid Teicneolaíochta na Gaillimhe-Maigh Eo	<i>Galway-Mayo Institute of Technology</i>	22/04/13
An Roinn Oideachais & Scileanna	<i>Department of Education & Skills</i>	22/04/13
Oifig na gCoimisinéirí Ioncaim	<i>Office of the Revenue Commissioners</i>	04/06/13
An tSeirbhís um Cheapacháin Phoiblí	<i>Public Appointments Service</i>	22/07/13
Bord Soláthair an Leictreachais	<i>Electricity Supply Board</i>	26/08/13
Gailearaí Náisiúnta na hÉireann	<i>National Gallery of Ireland</i>	16/09/13
An Coimisiún Reifrinn	<i>The Referendum Commission</i>	11/10/13
Comhairlí Contae & Cathrach Chill Chainnigh	<i>Kilkenny County & City Councils</i>	08/11/13
Coláiste na Tríonóide, Baile Átha Cliath	<i>Trinity College Dublin</i>	18/11/13
An tSeirbhís Chúirteanna	<i>The Courts Service</i>	01/01/14
Scéim 3	Scheme 3	
An Roinn Comhshaoil, Pobail & Rialtais Áitiúil	<i>Department of the Environment, Community & Local Government</i>	18/09/13

* Ar an 26 Lúnasa 2011, d'iarr an tAire Ealaíon, Oidhreacht agus Gaeltachta ar na comhlachtaí poiblí

seo leasuithe a mholadh ar na scéimeanna teanga atá daingnithe i gcomhréir le halt 16 d'Acht na dTeangacha Oifigiúla, 2003.

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

Dréachtscéimeanna le daingniú • Draft Schemes to be confirmed
An Chéad Scéim • First Scheme

Ainm an Chomhlachta Phoiblí	Name of Public Body	Dáta an Fhógra Date Notice Issued	Tréimhse ó Dháta an Fhógra (míonna) Period Elapsed from Date of Notice (months)
Údarás Áitiúla Thiobraid Árann Theas	<i>South Tipperary Local Authorities</i>	30/07/06	89
An Ceoláras Náisiúnta	<i>National Concert Hall</i>	21/09/06	87
Amharclann na Mainistreach (An Chuideachta Amharclann Náisiúnta Teoranta)	<i>Abbey Theatre (National Theatre Society Ltd.)</i>	21/09/06	87
An tÚdarás Comhionannais	<i>Equality Authority</i>	21/09/06	87
An Coimisiún um Scrúduithe Stáit	<i>State Examinations Commission</i>	21/09/06	87
Institiúid Teicneolaíochta Thamhlachta	<i>Institute of Technology, Tallaght</i>	21/09/06	87
Leabharlann Náisiúnta na hÉireann	<i>National Library of Ireland</i>	27/09/06	87
Ard-Mhúsaem na hÉireann	<i>National Museum of Ireland</i>	27/09/06	87
Suirbhéireacht Ordanáis Éireann	<i>Ordnance Survey Ireland</i>	27/09/06	87
An Chomhairle Oidhreachta	<i>Heritage Council</i>	27/09/06	87
Údarás Áitiúla Uíbh Fhailí	<i>Offaly Local Authorities</i>	10/06/07	79
Feidhmeannacht na Seirbhíse Sláinte	<i>Health Service Executive</i>	10/06/07	79
An Post	<i>An Post</i>	10/02/09	59
Coláiste na hOllscoile, Baile Átha Cliath	<i>University College Dublin</i>	10/02/09	59
Institiúid Teicneolaíochta Chorcaí	<i>Institute of Technology, Cork</i>	10/02/09	59
Institiúid Teicneolaíochta Shligigh	<i>Institute of Technology, Sligo</i>	05/10/09	51
Institiúid Teicneolaíochta Phort Láirge	<i>Institute of Technology, Waterford</i>	05/10/09	51
Raidió Teilifís Éireann	<i>Raidió Teilifís Éireann</i>	05/10/09	51

An tÚdarás um Bóithre Náisiúnta	<i>National Roads Authority</i>	05/10/09	51
An Roinn Caiteachais Phoiblí agus Athchóirithe	<i>Department of Public Expenditure and Reform</i>	26/08/11	28
Grúpa Chóras Iompair Éireann	<i>CIE Group</i>	14/09/12	16
Údarás Aerfort Chorcaí	<i>Cork Airport Authority</i>	14/09/12	16
Údarás Aerfort na Sionainne	<i>Shannon Airport Authority</i>	14/09/12	16
An Bord Bia	<i>An Bord Bia</i>	14/09/12	16
Bord na Móna	<i>Bord na Móna</i>	14/09/12	16
Bord Gáis Éireann	<i>Bord Gáis Éireann</i>	14/09/12	16
Bord Iascaigh Mhara	<i>Bord Iascaigh Mhara</i>	14/09/12	16
Fiontraíocht Éireann	<i>Enterprise Ireland</i>	14/09/12	16
GFT Éireann	<i>IDA Ireland</i>	14/09/12	16
Coillte	<i>Coillte</i>	14/09/12	16
Fáilte Ireland – an tÚdarás Náisiúnta Forbartha Turasóireachta	<i>Fáilte Ireland – National Tourism Development Authority</i>	14/09/12	16
Bord Oideachais agus Oiliúna an Chabháin agus Mhuineacháin	<i>Cavan and Monaghan Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna an Longfoirt agus na hIarmhí	<i>Longford and Westmeath Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Bhaile Átha Cliath agus Dhún Laoghaire	<i>Dublin and Dún Laoghaire Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Chathair Bhaile Átha Cliath	<i>City of Dublin Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Chiarraí	<i>Kerry Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Chill Dara agus Chill Mhantáin	<i>Kildare and Wicklow Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Chorcaí	<i>Cork Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Chill Chainnigh agus Cheatharlach	<i>Kilkenny and Carlow Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Dhún na nGall	<i>Donegal Education and Training Board</i>	22/08/13	4

Bord Oideachais agus Oiliúna Laoise agus Uíbh Fhailí	<i>Laois and Offaly Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Lú agus na Mí	<i>Louth and Meath Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Luimnigh agus an Chláir	<i>Limerick and Clare Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Mhaigh Eo, Shligigh agus Liatroma	<i>Mayo, Sligo and Leitrim Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna na Gaillimhe agus Ros Comáin	<i>Galway and Roscommon Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Phort Láirge agus Loch Garman	<i>Waterford and Wexford Education and Training Board</i>	22/08/13	4
Bord Oideachais agus Oiliúna Thiobraid Árann	<i>Tipperary Education and Training Board</i>	22/08/13	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 Expired*	Tréimhse (míonna) ón Dáta Éaga Period (months) from Date Expired
An Chomhairle Ealaíon	<i>The Arts Council</i>	30/06/08	66
Údarás Áitiúla Chontae Phort Láirge	<i>County Waterford Local Authorities</i>	31/07/08	65
Údarás Áitiúla Chontae na Gaillimhe	<i>County Galway Local Authorities</i>	22/08/08	64
Ollscoil na hÉireann, Má Nuad	<i>National University of Ireland, Maynooth</i>	18/09/08	63
An Roinn Airgeadais	<i>Department of Finance</i>	31/01/09	59
Ollscoil Chathair Bhaile Átha Cliath	<i>Dublin City University</i>	02/04/09	57
An Roinn Talmhaíochta, Bia agus Mara	<i>Department of Agriculture, Food and the Marine</i>	31/05/09	55
An Roinn Dlí agus Cirt agus Comhionannais	<i>Department of Justice and Equality</i>	29/06/09	54
Comhairle Cathrach Bhaile Átha Cliath	<i>Dublin City Council</i>	12/07/09	54
Údarás Áitiúla na Mí	<i>Meath Local Authorities</i>	31/08/09	52
Údarás Áitiúla Fhine Gall	<i>Fingal Local Authorities</i>	30/09/09	51
An Roinn Cumarsáide, Fuinnimh & Acmhainní Nádurtha	<i>Department of Communications, Energy & Natural Resources</i>	01/10/09	51
Banc Ceannais na hÉireann	<i>Central Bank of Ireland</i>	30/11/09	49
An Roinn Gnóthaí Eachtracha agus Trádála	<i>Department of Foreign Affairs and Trade</i>	30/11/09	49
Ollscoil na hÉireann, Corcaigh	<i>University College Cork</i>	30/11/09	49
Údarás Áitiúla Mhaigh Eo	<i>Mayo Local Authorities</i>	21/12/09	48
Comhairle Contae Liatroma	<i>Leitrim County Council</i>	31/12/09	48
An tÚdarás Clárúcháin Maoine	<i>Property Registration Authority</i>	01/04/10	45
An Foras Riaracháin	<i>Institute of Public Administration</i>	09/04/10	45

Coimisiún Forbartha an Iarthair	<i>Western Development Commission</i>	09/04/10	45
An Roinn Iompair, Turasóireachta agus Spóirt	<i>Department of Transport, Tourism and Sport</i>	29/04/10	44
Oifig na nOibreacha Poiblí	<i>Office of Public Works</i>	07/05/10	44
An Bord um Chúnamh Dlíthiúil	<i>Legal Aid Board</i>	27/05/10	43
An Roinn Coimirce Sóisialaí	<i>Department of Social Protection</i>	31/05/10	43
Údaráis Áitiúla Thiobraid Árann Thuaidh & Comhchoiste Leabharlann Chontae Thiobraid Árann	<i>North Tipperary Local Authorities & County Tipperary Joint Libraries Committee</i>	31/05/10	43
Comhairle Contae Dhún Laoghaire-Ráth an Dúin	<i>Dún Laoghaire-Rathdown County Council</i>	30/06/10	42
Údaráis Áitiúla an Chláir	<i>Clare Local Authorities</i>	19/08/10	40
Údaráis Áitiúla Chorcaí	<i>Cork Local Authorities</i>	30/09/10	39
Comhairle Cathrach Luimnigh	<i>Limerick City Council</i>	30/09/10	39
Údaráis Áitiúla Ros Comáin	<i>Roscommon Local Authorities</i>	30/09/10	39
Údaráis Áitiúla na hIarmhí	<i>Westmeath Local Authorities</i>	30/09/10	39
Comhairle Cathrach Chorcaí	<i>Cork City Council</i>	30/10/10	38
An Phríomh-Oifig Staidrimh	<i>Central Statistics Office</i>	04/11/10	38
Údaráis Áitiúla Lú	<i>Louth Local Authorities</i>	19/11/10	37
Teagasc	<i>Teagasc</i>	31/12/10	36
Comhairle Contae Luimnigh	<i>Limerick County Council</i>	31/01/11	35
An tÚdarás um Ard-Oideachas	<i>Higher Education Authority</i>	01/06/11	31
Údaráis Áitiúla Chontae Mhuineacháin	<i>Monaghan Local Authorities</i>	01/06/11	31
Comhairle Cathrach Phort Láirge	<i>Waterford City Council</i>	01/06/11	31
Leabharlann Chester Beatty	<i>Chester Beatty Library</i>	15/06/11	31
Údaráis Áitiúla an Longfoirt	<i>Longford Local Authorities</i>	01/07/11	30
An Bord um Fhaisnéis do Shaoránaigh	<i>Citizens Information Board</i>	07/07/11	30
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach	<i>Office of the Director of Corporate Enforcement</i>	14/07/11	30
Údaráis Áitiúla Chontae Chill Dara	<i>Kildare Local Authorities</i>	08/09/11	28
Údaráis Áitiúla Cheatharlach	<i>Carlow Local Authorities</i>	01/10/11	27

Oifig an Ard-Reachtair Cuntas & Ciste	<i>Office of the Comptroller & Auditor General</i>	19/01/12	23
An Binse Comhionannais	<i>The Equality Tribunal</i>	01/02/12	23
Bord Scannán na hÉireann	<i>Irish Film Board</i>	27/04/12	20
An Garda Síochána	<i>An Garda Síochána</i>	28/05/12	19
Údarás Áitiúla Chill Mhantáin	<i>Wicklow Local Authorities</i>	25/05/12	19
An Oifig um Chlárú Cuideachtaí & Clárlann na gCara-Chumann	<i>Companies Registration Office & Registry of Friendly Societies</i>	26/05/12	19
Foras na Mara	<i>Marine Institute</i>	06/07/12	18
Údarás Áitiúla Chontae an Chabháin	<i>Cavan Local Authorities</i>	20/07/12	17
Údarás Áitiúla Laoise	<i>Laois Local Authorities</i>	01/12/12	13
An Roinn Sláinte	<i>Department of Health</i>	15/12/12	12
Údarás Áitiúla Loch Garman	<i>Wexford Local Authorities</i>	11/01/13	12
Údarás Áitiúla Shligigh	<i>Sligo Local Authorities</i>	27/07/13	5
Institiúid Teicneolaíochta Thrá Lí	<i>Institute of Technology, Tralee</i>	17/10/13	2
Institiúid Teicneolaíochta Dhún Dealgan	<i>Dundalk Institute of Technology</i>	17/10/13	2
An Roinn Post, Fiontar agus Nuálaíochta	<i>Department of Jobs, Enterprise & Innovation</i>	24/10/13	2

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 Expired*	Tréimhse (míonna) ón Dáta Éaga Period (months) from Date Expired
Oifig an Choimisiúin um Cheapacháin Seirbhíse Poiblí	<i>Office of the Commission for Public Service Appointments</i>	11/05/12	20
Roinn an Taoisigh	<i>Department of the Taoiseach</i>	21/12/12	12
Comhairle Cathrach na Gaillimhe	<i>Galway City Council</i>	23/12/12	12
Ollscoil Luimnigh	<i>University of Limerick</i>	29/12/12	12
Oifig an Stiúrthóra Ionchúiseamh Poiblí	<i>Office of the Director of Public Prosecutions</i>	20/04/13	8
Údarás Áitiúla Dhún na nGall	<i>Donegal Local Authorities</i>	30/06/13	6
Oifig an Ard-Aighne; Oifig na nDréachtóirí Parlaiminte don Rialtas; Oifig an Phríomh-Atur-nae Stáit	<i>Office of the Attorney General; Office of the Parliamentary Counsel to the Government; Chief State Solicitor's Office</i>	17/10/13	2
Oifig an Choimisinéara Cosanta Sonraí	<i>Office of the Data Protection Commissioner</i>	17/10/13	2
An Roinn Cosanta	<i>Department of Defence</i>	24/10/13	2
Údarás Áitiúla Chiarraí	<i>Kerry Local Authorities</i>	25/10/13	2
Óglaigh na hÉireann	<i>The Defence Forces</i>	21/12/13	0

* 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).*

Scéimeanna teanga dímholta • Superseded language schemes

Bunscéim • Original Scheme		Scéim dímholta ag: • Scheme Superseded by:	
Ainm an Chomhlachta Phoiblí	Name of Public Body	Ainm an Chomhlachta Phoiblí	Name of Public Body
An Roinn Gnóthaí Pobail, Comhionannais & Gaeltachta	<i>Department of Community, Equality & Gaeltacht Affairs</i>	An Roinn Ealaíon, Oidhreachta & Gaeltachta	<i>Department of Arts, Heritage & the Gaeltacht</i>
An Roinn Ealaíon, Spóirt agus Turasóireachta	<i>Department of Arts, Sport and Tourism</i>		

Scéimeanna as feidhm • *Schemes lapsed*

Ainm an Chomhlachta Phoiblí	Name of Public Body	Cúis • Reason
An Bord Seirbhísí Ríomhaire Rialtais Áitiúil	<i>Local Government Computer Services Board</i>	Na comhlachtaí poiblí scortha – an tAcht Rialtais Áitiúil (Forálacha Ilghnéitheacha), 2012 <i>Public bodies dissolved – Local Government (Miscellaneous Provisions) Act 2012</i>
An Bord Seirbhísí Bainistíochta Rialtais Áitiúil	<i>Local Government Management Services Board</i>	
Coiste Gairmoideachais Chontae Dhún na nGall	<i>County Donegal Vocational Educational Committee</i>	Na comhlachtaí poiblí scortha – an tAcht um Boird Oideachais agus Oiliúna, 2013 <i>Public bodies dissolved – Education and Training Boards Act 2013</i>
Coiste Gairmoideachais Chontae na Gaillimhe	<i>County Galway Vocational Education Committee</i>	
Seirbhís Oideachais Chontae Chiarraí	<i>Kerry Education Service</i>	
Coiste Gairmoideachais Chathair Chorcaí	<i>Cork City Vocational Education Committee</i>	
Coiste Gairmoideachais Chathair na Gaillimhe	<i>Galway City Vocational Education Committee</i>	
Coiste Gairmoideachais Chontae Chorcaí	<i>County Cork Vocational Education Committee</i>	
Coiste Gairmoideachais Chontae an Chláir	<i>County Clare Vocational Education Committee</i>	
Coiste Gairmoideachais Chontae Bhaile Átha Cliath	<i>County Dublin Vocational Education Committee</i>	
Coiste Gairmoideachais Chathair Bhaile Átha Cliath	<i>City of Dublin Vocational Education Committee</i>	
An Foras Áiseanna Saothair (FÁS)	<i>The Training and Employment Authority (FÁS)</i>	

COMPLAINTS

There was a decrease in the number of new cases – from 756 in 2012 to 701 in 2013, (-7%) – 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. I am grateful for the cooperation my Office received in dealing with cases in that way. The range of complaints is wide and varied and the amount of time and effort required often depends on the attitude of the public body concerned. Public bodies are, for the most part, cooperative. Summaries of cases that 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”.

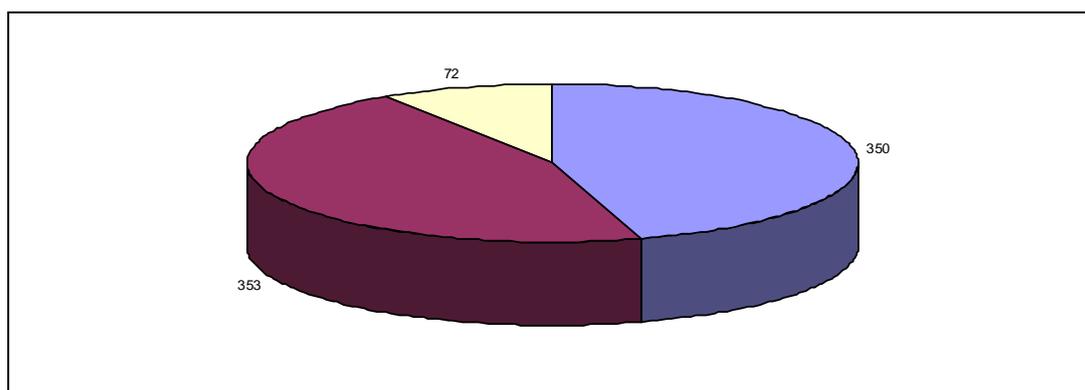
It should be noted that not all complaints received during the year referred to breaches of statutory obligations under the Official Languages Act 2003, and as was the case in previous years, some related to more general difficulties and problems experienced by those attempting to conduct their business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

From a geographical perspective, the majority of the complaints once more came from County Dublin, almost 38% of complaints, as was the case last year. 24% of complaints came from within the Gaeltacht with the remaining 76% from areas outside the Gaeltacht. A substantial number came from County Galway once more (13.8%), from County Kerry (8.8%), County Donegal (5.3%), County Clare (4.3%), County Cork (3.4%), County Kilkenny (2.7%), and County Meath (2.4%).

Gearáin: Deacrachtaí agus Fadhbanna – Staitisticí
Complaints: Difficulties and Problems – Statistics

Gearáin le linn 2013 • Complaints during 2013

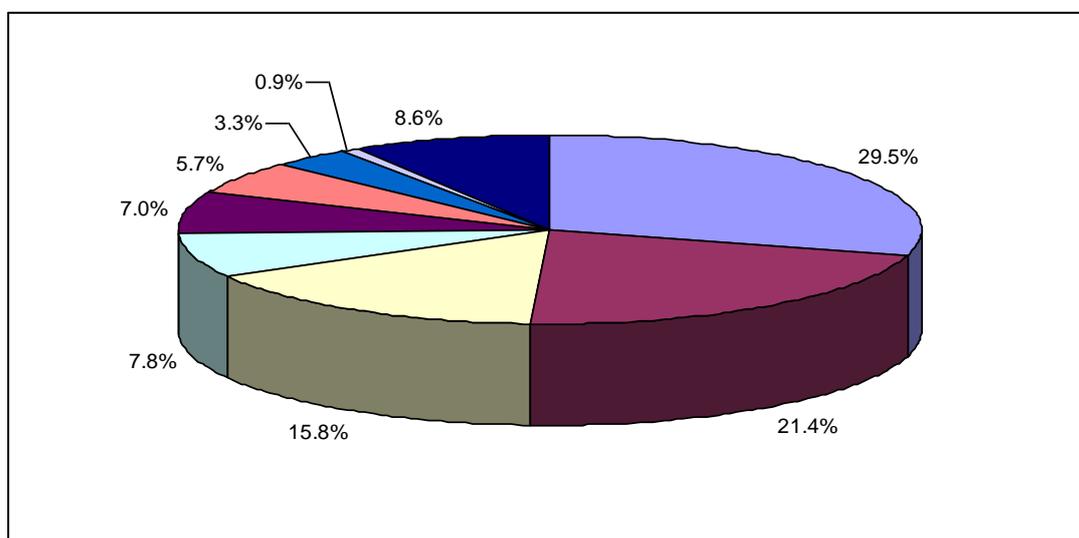
Gearáin nua, 2013 • <i>New complaints, 2013</i>		701
Gearáin tugtha ar aghaidh ó 2012 • <i>Complaints brought forward from 2012</i>		74
Móriomlán na ngearán – deacrachtaí agus fadhbanna <i>Total complaints – difficulties and problems</i>		775
	2012	2013
Comhairle tugtha maidir le gearáin <i>Advice given in respect of complaints</i>	391	350
Gearáin fiosraithe agus críochnaithe <i>Complaints investigated and finalised</i>	365	353
Gearáin oscailte ag deireadh na bliana <i>Complaints open at year end</i>	74	72



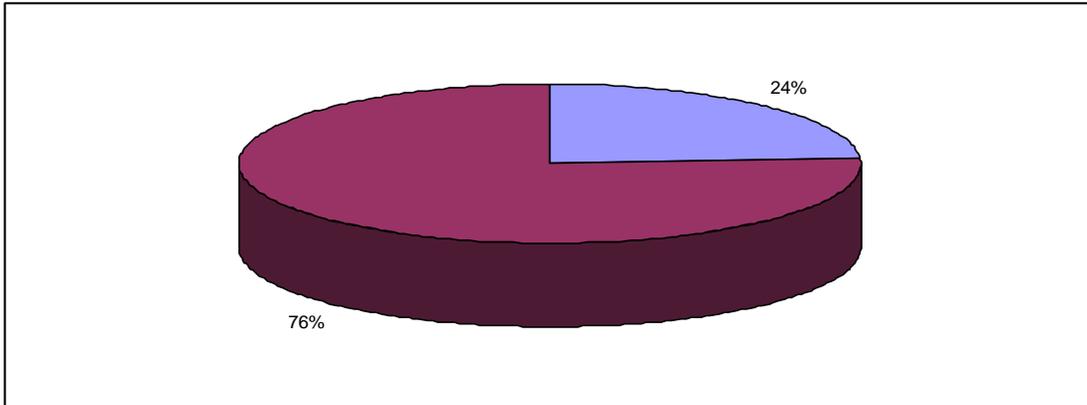
Céatadán na ngearán de réir cineáil

Percentage of complaints by type

	2012	2013
Foráil de scéim teanga (san áireamh: cártaí aitheantais, suíomhanna gréasáin agus foirmeacha) <i>Provision of a language scheme (including identity cards, websites and forms)</i>	30.6%	29.5%
Easpa Gaeilge ar chomharthaíocht & stáiseanóireacht <i>Lack of Irish on signage and stationery</i>	19.3%	21.4%
Easpa Gaeilge ar chomharthaí bóthair <i>Lack of Irish on road signs</i>	14.6%	15.8%
Fadhb le hainm agus/nó seoladh i nGaeilge <i>Problem with use of name and/or address in Irish</i>	10.4%	7.8%
Freagraí i mBéarla ar chumarsáid i nGaeilge <i>Replies in English to correspondence in Irish</i>	8.9%	7.0%
Achtacháin eile a bhaineann le stádas nó le húsáid na Gaeilge <i>Other enactments relating to the use or status of Irish</i>	3.2%	5.7%
Bileoga nó ciorcláin i mBéarla amháin <i>Leaflets or circulars in English only</i>	3.4%	3.3%
Alt 32/33 – Logainmneacha Gaeltachta <i>Section 32/33 – Gaeltacht Placenames</i>	1.9%	0.9%
Eile (cúiseanna aonair) <i>Other (individual issues)</i>	7.7%	8.6%
IOMLÁN • TOTAL	100%	100%



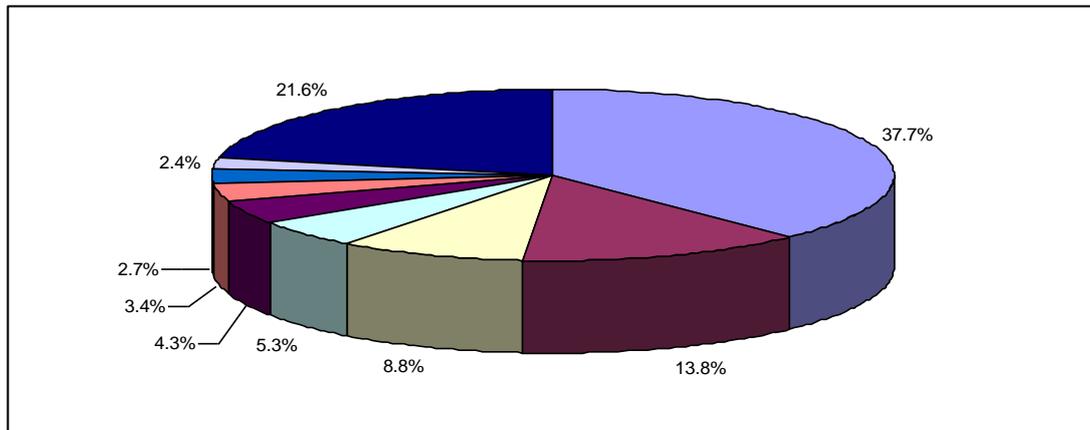
Complaints: Gaeltacht and non-Gaeltacht	2012	2013
Gaeltacht	26%	24%
Non-Gaeltacht	74%	76%
TOTAL	100%	100%



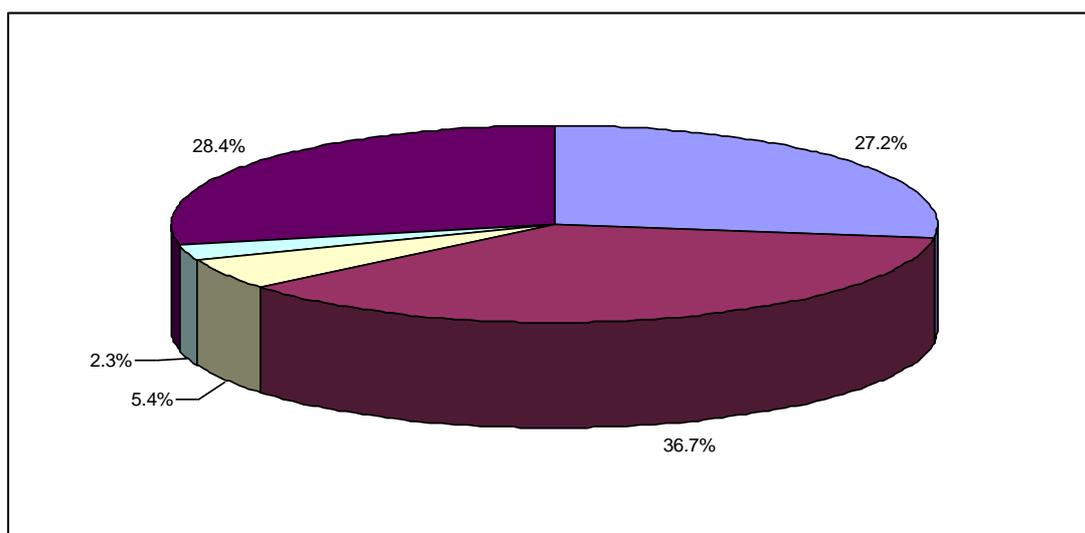
Complaints by county

2012 2013

Dublin	38%	37.7%
Galway	14.5%	13.8%
Kerry	7%	8.8%
Donegal	4%	5.3%
Clare	-	4.3%
Cork	2.5%	3.4%
Kilkenny	5%	2.7%
Meath	4%	2.4%
Other	25%	21.6%
TOTAL	100%	100%



Complaints by type of public body	2012	2013
Government departments & offices	20.3%	27.2%
Local authorities	42.2%	36.7%
Health authorities	3.6%	5.4%
Education authorities	2.5%	2.3%
Other state organisations	31.4%	28.4%
TOTAL	100%	100%



Statistics

As the above statistics show, the largest number of complaints (29.5%) related to the implementation of commitments made by public bodies in statutory language schemes agreed under section 11 of the Act. There was an increase from 19.3% to 21.4% 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 concerning the status or use of Irish, from 3.2% to 5.7%. 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: 15.8% of complaints related to the use of Irish on traffic signs, a small reduction on last year's figure. The obligations on roads authorities in respect of road traffic signage are set out in the *Traffic Signs Manual*.

There was a decrease in 2013, to 7.8%, in the percentage of complaints regarding problems with the use of names and addresses in Irish. These concerned

names and addresses that were spelt incorrectly in Irish, or spelt in English, or where computer systems could not handle the *síneadh fada*. There was a decrease in complaints regarding replies in English to correspondence in Irish, from 8.9% in 2012 to 7.0% in 2013, which would give one to believe that there may be an increased awareness of the legislation in public bodies. The increase in the use of machine translation systems such as 'Google translate' by public bodies to reply in Irish to official correspondence is a matter of some concern to me, however. These responses are invariably illegible and incomprehensible. These systems are not yet sufficiently developed or perfected for official correspondence from state bodies.

INVESTIGATIONS

An investigation is an official enquiry carried out on a formal statutory basis in accordance with the provisions of the Official Languages Act. As Coimisinéir Teanga, I have been given the relevant authority and powers under the Act to carry out investigations, not only in cases where I suspect that public bodies have failed to comply with their statutory obligations under the Act, but also under any provisions of 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, 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 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 may be made to the High Court on a point of law against the decision within a period of four weeks.

A total of 11 new investigations were commenced in 2013. Three uncompleted investigations were carried forward from 2012. Consequently, there were 14 investigations in hand during 2013 and all but one of those investigations had been completed by the end of the year. Therefore, summaries are provided in this Report of 13 investigations.

Number of Investigations	2012	2013
Brought forward from previous year	4	3
Investigations launched	13	11
Total in hand	17	14
Brought forward to next year	3	1
Total completed / discontinued	14	13

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 2013 INVESTIGATIONS

Department of Education and Skills (a)

An investigation found that the Department of Education and Skills failed to comply with its statutory obligations under the Education Act 1998, to have regard to the language-related objectives in the Act when it attempted to compel a Gaeltacht school, teaching through the Irish language, to accept the re-assignment of a teacher when neither the school authorities nor the teachers themselves believed that they had sufficient fluency in Irish to teach through that language.

In addition, the Department failed to comply with its duty under the Act to have proper regard to the above-mentioned language-related objectives when drawing up agreements on re-assignment of teachers with the educational partners.

A complaint was made to the Office of An Coimisinéir Teanga by a named Gaeltacht primary school that the Department had refused to allow the school ensure that teachers appointed to the school had fluent Irish and had instead insisted that the school accept a person from the supplementary panel, for appointment on a permanent basis, even though no teacher on the panel believed that he or she had sufficient competence in Irish to work in a Gaeltacht school teaching through Irish.

The Department claimed that all qualified primary teachers are trained to teach in such schools saying: *“Teacher qualifications, including those relating to Irish, are designed to equip teachers to teach in all publicly funded schools”*.

The following examples are sufficient to illustrate the views of the teachers themselves in relation to their ability to teach through Irish in a Gaeltacht school:

“With respect to you, your principal and your pupils, I feel that my standard of Irish would not reach the requirement needed for a Gaeltacht school and Gaeltacht life in general.”

“I am sorry to say that I do not think that I would be suitable for your post in a Gaeltacht school. I don’t think my Irish is of a sufficiently high standard for that type of school.” (trans.)

“Unfortunately I don’t think I would be the best person for the job and I’m sure there’s someone on the panel with more experience in

Gaelscoileanna and fluency with Irish than I have.”

“I am sorry, I was thinking about the meeting and I do not have sufficient Irish to work in the Gaeltacht.” (trans.)

Irish language competence of primary school teachers

While the investigation was ongoing, the Minister for Education and Skills launched the *Chief Inspector’s Report 2010-2012*. In a press release issued with the report, the Department said that *“The lack of a comprehensive Irish-language programme for English-medium primary schools and concerns about the Irish-language competence of teachers in a small but significant number of classrooms were among the factors noted by the Chief Inspector.”*

The following extracts from the report are relevant:

On page 47: *“During the years 2010-2012, inspectors reported that the quality of Irish teaching was problematic in one fifth of the lessons inspected during incidental inspections and the quality of pupils’ learning of the language was problematic in approximately one quarter (24%) of those lessons.”*

On page 57: *“In a considerable number of Gaeltacht schools, it was reported that Irish lessons were often taught bilingually with English as the dominant language of communication among students. This limited students’ capacity to challenge themselves cognitively in thinking through the target language.”*

The Department said that the registration of primary level teachers was regulated by Section 3(5) of the *Teaching Council Act 2001 and the Teaching Council [Registration] Regulations 2009* and that *“Under these regulations, the Teaching Council confirms that teachers are qualified to teach in any primary school including schools which teach through Irish.” (trans.)*

The truth of the matter is that the Teaching Council does not assess the competency of teachers to teach in a Gaeltacht school as opposed to any other school. The Council registers teachers qualified in accordance with educational criteria but there is nothing in the regulations to confirm specifically that they have the ability to teach through Irish in a Gaeltacht school.

In the summary of *“A Study of Gaeltacht Schools” (2004)* published by An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta, it is said that it would appear *“that the education system in the Gaeltacht is better equipped to inculcate the use of English amongst its first language speakers of Irish than it is to inculcate the use of Irish amongst its first language speakers of English.” (page 16)*

Referring to the belief expressed by the teachers on the panel that they did not have sufficient Irish to teach in a Gaeltacht school, the Department said: *“If such statements were made, perhaps some or all of the teachers would withdraw them if they were aware of the outcome of making such assertions in terms of their qualifications to teach in any recognised primary school and their continued recognition as teachers.”* (trans.)

The investigation considered that it would be regrettable if this statement from the Department were seen as a threat to the position of a teacher who said honestly that they did not have sufficient Irish to teach through Irish in a Gaeltacht school. Perhaps this was not what was meant by the Department’s statement. The investigation felt that it would be ludicrous to claim that a person without fluency in Irish could teach through Irish in a Gaeltacht school and it is well-known that not **all** registered primary teachers in the country have fluent Irish.

The investigation found as a matter of fact that not every teacher registered with the Teaching Council is qualified to teach through Irish in a Gaeltacht school and that they could not be qualified to do so without having fluency in Irish.

Objectives

The objectives listed in Section 6 of the Education Act 1998 include: to contribute to the realisation of national policy and objectives in relation to the extension of bilingualism in Irish society and in particular the achievement of a greater use of the Irish language at school and in the community; to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas, and to promote the language and cultural needs of students having regard to the choices of their parents.

The Department told the investigation that these objectives could not be viewed in isolation from the other provisions of the Education Act, that there are many objectives in the Act and that there was nothing in the legislation to indicate that there was any hierarchy among the objectives or that one should be emphasised above the others. The investigation agreed with this view and considered therefore that no objective could be set aside. It would not be possible to comply with the objectives in relation to Irish if teachers without the required fluency in Irish were required to work in Gaeltacht schools.

Resources

The Department said that c.7,000 teachers were redeployed in recent years resulting in a saving of c.€150m per year. There are only c. 130 Gaeltacht primary schools in the country – c.4% of the total. Redeployment only happens in a small number of those schools and often there are no language

implications as teachers with Irish redeploy to Gaeltacht schools. This matter concerns a small percentage of a small percentage of cases and the investigation had no evidence to suggest it could cause a problem of such proportions for the resources of the Department as to justify the contravention of a specific objective of the Education Act.

Agreement in relation to redeployment

The arrangements for the redeployment of teachers are statutorily confirmed in the Education Acts (1998 and 2012). However, the actual procedures are agreed from time to time between the Minister, the patron, the recognised management organisation and any recognised trade union and staff association representing teachers.

The investigation found that such an agreement could not be made without regard to the language obligations in Section 6 of the Act. If a conflict should arise between the procedures for the redeployment of teachers and the objectives of the legislation, then it is the procedures that stand to be revised.

In reply to a question from the investigation as to the consideration given to the objective in subsection 6(j) of the Act *“to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas”* when the Minister was setting out the redeployment procedures, the Department said that the procedures were in place long before the enactment of the Education Act 1998. The Department said that it did not think that *“the Oireachtas intended, in enacting the Education Act 1998, that the Act would automatically alter redeployment procedures already agreed as a result of subsection 6(j) or any other provision of the Act.”* (trans.)

However, these procedures are regularly reviewed and they were revised in relation to language issues in 2013 when a new arrangement was agreed allowing those who wished to indicate their interest in redeploying to an Irish-medium school to put a ‘tick’ in an appropriate box.

Although the tick box would obviously ease the process, apparently, it was not seen as acknowledging that a teacher without fluency in Irish could not be redeployed to an Irish-medium Gaeltacht school.

Replying to questions from the investigation about settlements reached in other instances where the school, the teacher or both were dissatisfied with the language ability of a teacher, the Department said that there were *“a number of cases in recent years in which the Panel Officer decided, having considered all the relevant factors, not to assign a particular teacher to a school teaching through the medium of Irish”*. (trans.)

The Department conceded that exceptions in relation to redeployment were also made in certain other cases, for example, in the case of a *“temporary*

assignment to a vacancy in a school under a different patronage. [Such teachers would have to comply with the requirements of the Management Board in relation to their duty to defend the ethics of the school in accordance with the law. Redeployment happened from Educate Together to Catholic Schools and to Church of Ireland Schools and from Church of Ireland Schools to Catholic Schools in that manner].” (trans.)

Only one conclusion could be reached based on this information – that exceptions were permitted when there was a good reason for them. It was clear too that the duty to comply with the objectives of the Education Act and to ensure that the teachers are fluent in the language of the school are good reasons to allow exceptions. However, the investigation felt that the matter should not be dealt with on the basis of exceptions.

Finally, the investigation considered that it would be a sad day if a teacher were assigned to a Gaeltacht school teaching through Irish and that the students had more Irish than the teacher. The investigation did not believe that any department of education would condone such a situation.

“Appropriate”

The Department told the investigation that it would not be “appropriate” to create two levels of teachers so that specialist teachers would be recruited to Gaeltacht schools: *“Without doubt, the demand for specialist teachers would spread to all schools operating through Irish. The danger in this is that it would lead to an unintended bad outcome for Irish in the generality of primary schools; the attitude could be promoted that good fluency in Irish among teachers was only required in schools teaching through Irish, and gradually the contention could arise that the teaching of Irish should only be required in Irish medium schools”.* (trans.) The investigation considered this to be a baseless argument and had full confidence in the capacity of the Department to comprehensively reject such a trivial argument.

The investigation welcomed the statement that *“the Department has commenced a review of the provision of education in the Gaeltacht to find out how best to develop the most appropriate policy in relation to the provision of education in these areas in order to implement the objectives of the Education Act, 1998 and the 20 Year Strategy for the Irish language.”* (trans.)

In the meantime, the statutory language provisions in the Education Act on this matter act as guidance from the Houses of the Oireachtas.

Temporary solution

The Department indicated that a temporary solution had been arrived at in relation to the school in question. This temporary solution did not

address the core issue in an appropriate manner.

Deception

Without claiming that it occurred in this case, the Department made the point that neither schools nor teachers like redeployment, that teachers prefer to remain in the school they are happy in and sometimes, according to the Department, if they are redeployed there is a certain “deception” used to ensure that they are sent to their preferred school. The investigation did not consider that there was evidence of any kind of deception in this case.

Indeed, the investigation commended the school authorities and the teachers on the panel for their honest stance, that, to appoint a teacher without fluency in the language to a Gaeltacht school where subjects are taught through Irish would not be to the benefit of the school, the pupils or the Gaeltacht.

Board of Management

There are further statutory obligations on boards of management in Section 15 of the Education Act, including:

*“uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the **cultural**, educational, moral, religious, social, **linguistic** and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school” 15(b) (emphasis inserted)*

*“have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, **languages** and ways of life in society,” 15(b) (emphasis inserted)*

It would be difficult to believe that any board of management in a Gaeltacht school teaching through Irish could fulfil those obligations while a teacher without fluency in Irish was on the staff of the school. A case could also be made that the board of management – as people concerned in the implementation of the Act who must have regard to the objectives in Section 6 – could be in breach of its own legal obligations if it did not insist on fluency in Irish in the case of teachers in Gaeltacht schools.

Conclusion

The future of the Gaeltacht as a region where Irish survives as the living

language of the community is in great danger according to official reports over many years.

Even if there was no statutory requirement to assign teachers with fluent Irish to Gaeltacht schools, it would be the correct thing to do. In this case, the investigation found that there is a statutory requirement to do so, in the Education Act 1998.

The recommendations made by the investigation include:

- that the Department would not obstruct the school in question in the recruitment of a teacher with sufficient competence in Irish to teach through Irish;
- that the Department and the education partners would review and amend appropriately the agreement in relation to the redeployment of teachers so that it would comply with the legal requirements confirmed by the Oireachtas with regard to the language obligations in subsections 6(i), 6(j) and 6(k) of the Education Act 1998;
- that in the meantime no efforts be made to force a Gaeltacht school teaching through Irish to accept a teacher without fluency in Irish, and
- that the Department and the education partners examine the implications of these findings and recommendations for schools – other than Gaeltacht schools – teaching through Irish and that they act accordingly.

Investigation launched: 7 October 2013

Report issued: 20 December 2013

The Department of Education and Skills (b)

An investigation found that the Department of Education and Skills failed to comply with its statutory language obligations as confirmed under the Education Act 1998 and in Rule 16 of the Rules and Programmes for Secondary Schools by refusing to provide education through the medium of Irish to Leaving Certificate level in a Gaeltacht second level school for Gaeltacht students or for other students who wished to study through the medium of Irish.

Pobalscoil Chloich Chionnaola complained to the Office in October 2013 that appropriate resources were not being provided by the Department of

Education and Skills to ensure that the Irish Language Unit in the school could provide education up to Leaving Certificate level, and that the failure of the Department to provide these resources was threatening the viability of the provision by the Unit of education up to Junior Certificate level. The school in question serves a wide catchment area which includes four Gaeltacht primary schools. The majority of the students who wish to avail of education through Irish come from the Gaeltacht schools.

When undertaking this investigation, An Coimisinéir Teanga placed on record the fact that he knew the community in question as he was born and raised in the area and had relatives there. He wished to put this information on the record in case it would be considered that he had any conflict of interest during his investigation of the subject matter.

The investigation involved the interpretation of the potential statutory language obligations arising under the Education Act and other relevant factors concerning the Irish language stream in the school.

Subsections 6(i), 6(j) and 6(k) of the Education Act 1998

Under these three subsections, due regard must be given, in the implementation of the Education Act, to the following objectives: to contribute to the realisation of national policy and objectives in relation to the extension of bi-lingualism in Irish society and in particular the achievement of a greater use of the Irish language at school and in the community; to contribute to the maintenance of Irish as the primary community language in Gaeltacht areas, and to promote the language and cultural needs of students having regard to the choices of their parents.

The Department told the investigation that these objectives could not be viewed in isolation from other provisions of the Education Act, that there are many objectives in the Act and nothing in the legislation indicated that there was any hierarchy among the objectives or that one objective should be emphasised above the others.

The investigation agreed with the Department's assessment on that point. Clearly, the statutory objectives concerning the Irish language have the same substance and status as any of the other objectives. There was no conflict between the various objectives and no need to establish an order of priority. The Act requires that "every person" concerned in the implementation of the Education Act has regard to those objectives. If education, through the medium of Irish, is denied to second level Gaeltacht students it could hardly be said that a person is paying due regard to the language objectives of the Act.

The Department said that the Minister for Education must have regard to the

resources available to him. Under subsection 6(b), the Minister must *“provide that, as far as is practicable and having regard to the resources available, there is made available to people resident in the State a level and quality of education appropriate to meeting the needs and abilities of those people.”*

There is no evidence that this objective has greater priority than the other statutory objectives, nor is there any evidence that the resources required in this case are such as to make it impossible for the Minister to provide them.

Section 7(2)(d)

Section 7(2)(d) of the Education Act concerns the provision of support services through Irish to recognised schools providing education through Irish and other recognised schools that request such services. The Department said that section 7(2)(d) was not relevant and said that *“Provision is made in Section 24, inter alia, for the appointment of teachers and other staff under the agreed current procedures which include appointments to Units that are recognised for the purposes of the Act.”* (trans.)

However, “support services” are defined in subsection 2(n) as including *“such other services as are specified by this Act or considered appropriate by the Minister”*. Clearly, the provision in Section 24 for the appointment of teachers and other staff in schools is another support service specified by the Act. It is essential, therefore, under section 7(2)(d) that support services be made available *“through Irish to recognised schools which provide teaching through Irish and to any other recognised school which requests such provision”*. Pobalscoil Chloich Chionnaola is such a school.

Rule 16

With regard to Rule 16 of the *Rules and Programmes for Secondary Schools* in relation to the necessary conditions for the recognition of secondary schools, the Department said that this Rule could not be considered in isolation from the Rules that govern recognition of new schools and the conditions that must be satisfied in relation to eligible students as set out in Rules 13 and 17.

The Department said: *“With regard to those rules, the Department considers that there is no question of a breach of Rule 16 in relation to the Senior Stream as there is no Unit at that level recognised by the Minister for the purposes of the Act”*. (trans.)

But, as in the case of the argument about the statutory objectives in Section 6 of the Act, there is nothing in these Regulations to indicate that there is any hierarchy among the objectives or that one objective should be emphasised

above the others.

Indeed, Rule 16 gives an unambiguous direction:

“No new school will be recognised in the Gaeltacht, or in any centre adjacent to the Gaeltacht, unless satisfactory provision is made for the teaching in the school of the subjects of the curriculum through the medium of Irish.”

There was never any doubt about the status of Cloich Chionnaola as an official Gaeltacht area under the Gaeltacht Act 2012. It could hardly be said that there was satisfactory provision in the school of subjects for the teaching of the curriculum through the medium of Irish when Gaeltacht students could not study their subjects through Irish to Leaving Certificate level.

The Department said that for reasons of sustainability the most suitable option regarding education through Irish depended on the level of demand, and that regard must be had to the nature of both the demand and provision in other parts of the area and in adjacent areas.

However, if there is no provision how can one either create or assess demand? And if, as the school authorities claimed, the termination of education through the medium of Irish at Junior Certificate level hinders the attraction of students to the Irish Language stream, how can one arrive at an accurate understanding or assessment of the level of demand for the Irish Language Unit?

Facts and figures

The Department provided facts and figures to the investigation in relation to the history of the Irish Language Unit which operates to Junior Certificate level. The Department confirmed that it had granted permanent recognition to the Irish Language Unit in Pobalscoil Chloich Chionnaola up to Junior Certificate level on account of the number of students *“that are or that would probably attend the school but that the recognition was not given up to senior level because the Unit does not satisfy the requirements for recognition.”* (trans.)

The school management was convinced that there would be significant demand for the Irish Language Unit if the subjects could be taught through Irish all the way up to Leaving Certificate level. Students from four Gaeltacht primary schools which teach through Irish attend Pobalscoil Chloich Chionnaola. The schools in question are Scoil Mhachaire Rabhartaigh, Scoil Chnoc na Naomh, Scoil Chaiseal na gCorr and Scoil Ghort an Choirce. This is one of the strongest Gaeltacht areas in the country and most of the students in these schools were raised through Irish and attended both playschool and

primary school through Irish.

It is easy to understand why parents would be anxious about a situation where their children would attend the Irish Language Unit for 3/4 years and then have to change their language of instruction for the last two years of schooling, the two most important years in their second level education.

The investigation considered that cultural and linguistic disadvantages were being created for Gaeltacht students who wished to receive their education through Irish. There was another practical disadvantage for them as they were denied the bonus marks they could have received for taking their examinations through Irish.

The investigation found that the inability of Pobalscoil Chloich Chionnaola to offer education through Irish to Leaving Certificate level restricted the demand for the Irish Language Unit.

Board of management

There are further statutory obligations on boards of management in Section 15 of the Education Act, including to:

*“uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the **cultural**, educational, moral, religious, social, **linguistic** and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school, and at all times act in accordance with any Act of the Oireachtas or instrument made thereunder, deed, charter, articles of management or other such instrument relating to the establishment or operation of the school” 15(b) (emphasis inserted)*

The investigation found it difficult to believe that any Board of Management in a Gaeltacht school could fulfil those obligations adequately while education through Irish to Leaving Certificate level was denied to Gaeltacht students. Indeed, a case could also be made that the board of management – as people concerned in the implementation of the Act who must have regard to the objectives in Section 6 – could be in breach of its own legal obligations if it did not offer an Irish language stream to Leaving Certificate level in a Gaeltacht school.

Conclusion

The future of the Gaeltacht as a region where Irish survives as the living language of the community is in great danger according to official reports over many years.

In the summary of *A Study of Gaeltacht Schools* (2004) published by An

Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta, it is said on page 24 in the Final Comment that:

“The future of the Gaeltacht is inextricably linked to the future of the Gaeltacht education system. As a result, if the perilous current state of Gaeltacht education is not resolved, the future of the Gaeltacht itself is threatened.”

Under the *20 Year Strategy for the Irish Language*, a new language planning process is proposed for the Gaeltacht. This will not be effective unless education through Irish is available to Gaeltacht students whose family or guardians want such education.

The investigation found that the Department of Education and Skills breached its statutory duties in this case and An Coimisinéir Teanga made the following recommendations:

- that the Department make appropriate arrangements, as soon as possible, in conjunction with Pobalscoil Chloich Chionnaola, to provide education through Irish to Leaving Certificate level for Gaeltacht students, and to other students in the school who wish to study through Irish, and that the Department ensure that sufficient resources are provided to implement this recommendation;
- that the school authorities make every effort to ensure a high level of attendance at the Irish Language Unit in Pobalscoil Chloich Chionnaola; and
- that the Department of Education and Skills and the school authorities agree to review the operation of the system of education through Irish in the school after an agreed number of years to ensure it is successful.

Investigation launched: 23 October 2013

Report issued: 30 December 2013

Office of the Revenue Commissioners

An investigation found that the Office of the Revenue Commissioners failed to comply with the statutory language duties set out in subsections 9(1) and 9(3) of the Official Languages Act 2003 in the following instances:

- when information was issued in writing, in the form of an information booklet with regard to the Local Property Tax (LPT), and that communication with the public in general or with a class of the public

in general was not in Irish or bilingual (in Irish and English);

- when letters in English only were issued to a class of the public in general with regard to the LPT;
- when headings of stationery were in English only on letters sent by the Revenue Commissioners.

Subsection 9(3) of the Act requires that information from a public body communicated by post or email to the general public or to a class of the general public should be in Irish or bilingual (Irish and English). It may not be in English only.

In addition, regulations made in S.I. 391 of 2008 under subsection 9(1) of the Act provide that stationery headings must be in Irish or bilingual (Irish and English). Stationery headings may not be in English only.

The investigation arose from a number of complaints received by the Office of An Coimisinéir Teanga in April/May 2013 which claimed that the Office of the Revenue Commissioners had issued an information booklet in March/April in relation to the LPT and that the communication was in English only. The information booklet was issued with an accompanying personal letter and it appeared that an English only version issued to the majority of the general public while an Irish language version was sent to those who had previously registered to conduct their tax affairs with Revenue through Irish. In addition, the stationery headings on the English language letters were in English only.

A complaint was also made to the Office that a communication, in writing, furnishing information was sent in May to a class of the public (i.e. those for whom tax reference numbers could not be identified) and that the letter itself and the stationery heading on the letter were in English only.

The Office of An Coimisinéir Teanga discontinued an investigation in 2009, in a similar case in relation to the issuing of information, when assurances were received from the Office of the Revenue Commissioners as to their future handling of the distribution of information to the public in general. Revenue confirmed that where items of personal information and items of general information were being issued together, the personal information would be in Irish, where the customer had indicated a wish to correspond with Revenue in Irish, and in English where no such indication had been given; however, the general information would be bilingual, or in Irish, as required by subsection 9(3) of the Act.

On the basis of the 2009 agreement, the Office tried, unsuccessfully, to resolve these current complaints on an informal basis. One element seemed to have been resolved informally when the Office of the Revenue Commissioners

said in an email of 25 April that it should not have used English only stationery headings and agreed that this matter would be rectified as soon as possible. However, further letters were issued in May to a class of the public in general (i.e. to those for whom no tax reference number had been found) and the stationery headings on those letters were also in English only. This meant the informal agreement had not been implemented and the Office was obliged to deal with the matter as part of a statutory investigation.

The investigation sent a letter to the Chairperson of the Revenue Commissioners seeking replies to certain questions and also any information, record or thing relevant to the subject matter of the investigation. On 14 June the Office of the Revenue Commissioners sent a written report in reply to the questions asked. The report included a copy of just one record. The Office sought confirmation from Revenue that no other relevant record existed. That confirmation was received by email on 28 June.

The Office of the Revenue Commissioners did not accept that it had breached subsection 9(3) of the Official Languages Act in any of the cases under investigation. It confirmed that the Irish version of the information booklet had been sent to those registered to conduct their tax affairs through Irish and that the English version had been sent to everyone else. However, the Office of the Revenue Commissioners did accept that it had breached the regulations in S.I. 391 of 2008 under subsection 9(1) of the Act when it issued letters with stationery headings in English only.

The Office of the Revenue Commissioners said that it was aware of its obligations under the Official Languages Act and, therefore, had decided in spite of huge logistical difficulties to provide all the LPT information, including the 'frequently asked questions' on the Revenue website, in Irish and English simultaneously. It pointed out that there were more than 32,500 words in English and Irish in the 'frequently asked questions'; that the names of approximately 3,440 electoral districts had to be translated into Irish and inserted into consolidated documents along with certain city and county documents in relation to property valuations; that the 'frequently asked questions' were regularly updated and Irish and English versions were provided simultaneously; that an Irish version of the 8,000 word technical valuation paper was provided shortly after its publication in English and that, from the start, the payment section of the website was available in both Irish and English.

The Office of the Revenue Commissioners said it had provided a bilingual version of the information booklet in relation to the LPT agus c.70,000 copies of this bilingual booklet had been widely distributed through tax offices, local libraries and citizen information centres. In addition, it confirmed that, from the beginning, it had ensured that the option of choosing service through Irish

was provided on the helpline and that sufficient staff were available to take calls in Irish.

The Office of the Revenue Commissioners said it believed that “*the best way to cater for the needs of Irish speakers was by taking the actions listed above*”. (trans.) It held that extraordinary progress had been made in a very short timeframe and that it was very satisfied with the level and standard of service in relation to the LPT provided to Irish speakers in the circumstances.

The investigation was in no doubt that the Office of the Revenue Commissioners had made an honest effort to provide a satisfactory service through Irish in relation to the LPT by providing information on the website, in publications and on the helpline. But there were still questions to be answered about the organisation’s compliance with the statutory obligations confirmed in the Act and the regulations made under the Act in relation to certain aspects of the situation.

(1) Subsection 9(3) of the Act and the issuing of information in writing (information booklet) in relation to the Local Property Tax in March/April 2013.

The provision in subsection 9(3) of the Official Languages Act relates to specific ways that public bodies, which come under the Act, communicate information to the public in general or to a class of the public in general. If a communication comes under subsection 9(3) of the Act, there are two choices – the communication can be through Irish only or it can be bilingual (Irish and English). The option of providing the communication in English only is not available.

There is no doubt in this case but that:

- the communication was issued by a public company under the Act;
- the communication was issued in writing, by post;
- the aim of the communication was to furnish information.

If the communication was issued to the general public, or to a class of the general public, then undoubtedly it would come under subsection 9(3) of the Act.

The information booklet was issued jointly with other material – a personal letter and a LPT Return – and it was sent to c.1.69 million property owners throughout the State. The case was never made that there was an obligation on the Office of the Revenue Commissioners to provide the personal letter or the form bilingually. Due to provisions in its language scheme, the Office of the Revenue Commissioners is obliged to provide documents such as the letter

and form in Irish to those registered to have their tax affairs handled through Irish. This obligation was recognised and it appears that the letter, the form and the information booklet were in fact issued in Irish to those who had registered to conduct their business through Irish.

The Office of the Revenue Commissioners maintained that the booklet did not come under the terms of subsection 9(3) of the Act because it was an adjunct to, or supplementary to, a letter and a LPT form sent to individually named people and containing specific personal information about the LPT obligations of these individuals. The Office of the Revenue Commissioners said that the envelope and all it contained should be seen as a single entity and as confidential correspondence with an individual taxpayer, in other words, as a private matter for the taxpayer in question and not as communication with the general public.

The investigation found that exactly the same information was being distributed to almost 1.7 million people throughout the State in this booklet; these were people who had a common bond, as property owners, who should receive certain information in relation to the LPT. The investigation was in no doubt that these property owners constituted “a class of the general public” under the usual terms of legal interpretation.

The fact that a personal letter was sent with the communication was not sufficient to cancel the obligation to issue the material bilingually or in Irish only. It is possible to make a clear distinction between the part of the material that was individual and personal and the part containing information aimed at the general public. The legislation does not specify that a communication must either be alone or attached to other communications. So long as a communication sent by a public body under the Act, in writing, to a class of the general public provides information, it comes under the terms of subsection 9(3) of the Act.

As previously stated, an investigation was discontinued in a similar case in 2009 because assurances were given that the legislation would be complied with in future. It was apparent that the High Level Group in the Office of the Revenue Commissioners was aware of the guarantee and referred to the Official Languages Act in the one record provided to the investigation:

*“Decision/Recommendations made by HLG (28th November 2012)...
Issues re OLA (Official Languages Act) in the past...”*

The investigation was informed that a review of the guarantee took place and a decision was taken that subsection 9(3) of the Act did not apply in the case of a communication campaign where an information booklet was accompanied by personal information relating to an individual taxpayer. No further information was given about this review. However, the agreement between the

Office of the Revenue Commissioners and the Office of An Coimisinéir Teanga was a bilateral agreement that led to the discontinuation of a statutory investigation; it is difficult to understand what validity could attach to any unilateral review of that agreement.

It was a matter of some surprise to the investigation that the Office of the Revenue Commissioners did not have any records apart from this one minor reference in the minutes of a meeting to Irish language issues, particularly since it was said that the matter had been the subject of a re-examination/review of the bilateral agreement reached in 2009.

(2) The letter in English issued in May 2013 to a class of the general public i.e. those for whom Revenue could not identify PPS numbers

As regards the issuing of letters to those for whom a tax reference number (PPSN) could not be found, the Office of the Revenue Commissioners said that since it could not be said definitively whether the recipients were registered for their tax affairs in Irish or in English, it was decided to issue these letters in English only.

Even if one conceded these were personal letters, and that is problematic as neither the PPSN nor the language choice of the customer was known, the Office of the Revenue Commissioners would have a statutory duty under its language scheme to communicate in Irish with those who had registered for service in Irish. The investigation found that a statutory obligation had been breached when the Office of the Revenue Commissioners issued letters in English only in May to property owners for whom it could not locate tax reference numbers.

(3) The stationery headings in English only on letters issued in the period from March to May 2013 in relation to the Local Property Tax and in the case of additional letters issued in May to those for whom PPSN could not be identified.

The Office of the Revenue Commissioners had accepted that it had breached the regulations when it issued letters with stationery headings in English only and this matter would not have been included in the investigation if Revenue had not issued further letters in May, again with stationery headings in English only, to those property owners for whom PPSN could not be identified. Other aspects of the use of the official languages on stationery were exemplary i.e. envelopes; however, on the letter itself part of the address of the Office of the Revenue Commissioner was in English only as was certain other information and this was a breach of the Regulations made under subsection 9(1) of the Act.

The investigation made the following recommendations:

- that the Office of the Revenue Commissioners comply in future with its statutory duties under the Official Languages Act 2003;
- that where it communicates in writing with the general public or a class of the general public to furnish information, the Office of the Revenue Commissioners must comply with the provisions of subsection 9(3) of the Act;
- that all its stationery headings comply in future with the Regulations made under subsection 9(1) of the Act;
- that a memorandum be issued within 6 weeks from the date of the report to those staff of the organisation that might in future have responsibility for communicating with the general public, or a class of the general public, for the purpose of furnishing information, indicating that an investigation found the Office of the Revenue Commissioners in breach of its statutory obligations in this instance and that it must ensure that this does not happen again.

The Office of the Revenue Commissioners confirmed that it would appeal the findings to the High Court on a point of law as provided for by Section 28 of the Act. A date in February 2014 was fixed for the High Court hearing.

Investigation commenced: 16 May 2013

Report issued: 2 August 2013

Iarnród Éireann

An investigation found that Iarnród Éireann breached the statutory language obligation confirmed in the Transport Act 1950 with regard to permanent public signs erected in English only on railway bridges in various locations around the country.

Over a period of time from February 2011, the Office received a number of complaints that Iarnród Éireann had erected signs on railway bridges around the country that were in English only. It was a matter of concern to the complainants that these signs were not in accordance with the language provision in the Transport Act 1950 in respect of the use of Irish and English on permanent signage.

Subsection 57(1) of the Transport Act 1950 imposes a particular obligation on Iarnród Éireann to ensure that any of its permanent public notices and signs are in Irish, or in English and Irish.

Over a period of more than two years, the Office attempted to resolve the matter with Iarnród Éireann through its informal complaints resolution system but these efforts failed to reach a resolution. It was decided, therefore, that there was no alternative but to launch an investigation in order to make findings and recommendations in the case.

Iarnród Éireann gave the investigation to understand that it was of the opinion that these signs had an exemption under the Safety, Health and Welfare at Work Regulations 2007. Iarnród Éireann said:

“It was recommended to us, under the Safety, Health and Welfare at Work Regulations 2007, that this bridge signage was essential under the Transport Legislation and it is referred to in Section 160 of those regulations.

That is the reason we are of the opinion that this signage is exempted from the requirement to be bilingual under the regulations. As a result, we do not believe that we have breached subsection 57(1) of the Transport Act 1950.” (trans.)

It was apparent that Iarnród Éireann, in its response to the investigation, was referring to the exemption in respect of the use of the official languages which is granted in the Regulations (I.R. 391 of 2008) under subsection 9(1) of the Official Languages Act 2003 insofar as it pertains to signage which comes under the Safety, Health and Welfare at Work Regulations 2007.

However, the obligation on Iarnród Éireann to ensure that permanent signs which are maintained by them are in Irish, or in Irish and English, does not arise under the Regulations made under subsection 9(1) of the Official Languages Act 2003 but under subsection 57(1) of the Transport Act 1950 and that legislative provision is very clear on the issue:

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

No exemptions are provided for in this legislation in respect of any kind of signage, safety signage or other. It is a long-established principle that a provision in secondary legislation cannot amend a provision which is already confirmed in primary legislation (i.e. an Act of the Oireachtas). An exemption granted in the Regulations (S.I. 391 of 2008) made under subsection 9(1) of the Official Languages Act 2003 could not, therefore, amend the obligation which is confirmed in subsection 57(1) of the Transport Act 1950.

Iarnród Éireann did not make any case that the signs which were the subject of the investigation were not permanent public signs.

The investigation found that subsection 57(1) of the Transport Act was unconditional in the obligation it imposes on Iarnród Éireann in respect of the use of Irish or English and Irish on permanent public signs.

Investigation launched: 4 October 2013

Report issued: 21 November 2013

City of Dublin Education and Training Board

An investigation found that SUSI (Student Universal Support Ireland) did not have an appropriate system in place to comply with the statutory language obligation confirmed in subsection 9(2) of the Official Languages Act 2003 when communicating in writing in Irish. SUSI is a section of the City of Dublin Education and Training Board (CDETb) that deals with student grants. The investigation team was satisfied, however, that as a result of the investigation an appropriate system was proposed to deal with the difficulties.

An individual made a complaint to the Office in February 2013 that SUSI was not capable of dealing appropriately with applications in Irish for student grants, that correspondence in Irish was being responded to in English and that the complainant himself had been obliged to provide a translation for SUSI of a letter in Irish which he had forwarded in support of his application. Subsection 9(2) of the Act provides as follows:

“Where a person communicates in writing or by electronic mail in an official language with a public body, the public body shall reply in the same language.”

Neither the efforts of the complainant nor of the Office over a period of months were successful in reaching an informal resolution in this case and it was therefore necessary to carry out an investigation to reach a satisfactory resolution.

In the response from the CDETb, the Board advised the investigation that SUSI received almost 70,000 applications for grants in its first year of operation — the 2012/2013 academic year. Although there were problems with processing applications from the 2012/2013 academic year, the Board said that the results were better than expected, with 70% of grants awarded at the end of December, 85% at the start of the second semester in January and

93% in April 2013.

The Board acknowledged, however, that the effectiveness of SUSI was not of the high standard which should be expected from a state run public service. As regards the 2013/2014 academic year, the Board explained that improvements had been made to the system as a result of the independent review carried out in April 2013.

The Board accepted that the organisation had breached the obligation confirmed in subsection 9(2) of the Official Languages Act 2003 in this case insofar as it concerned the SUSI service responding to correspondence in Irish from a named student in respect of a grant application, and the Board apologised to that student for the resulting upset and delay.

The Board supplied the investigation with a copy of the letter in Irish required by the student and explained what had happened in this case. The investigation was advised that the system and the letters were all available in Irish but that neither the system nor the processes had been properly tested and that technical difficulties had arisen as a result.

The Board also advised the investigation that it had asked the external company providing helpdesk services on its behalf to examine the service being supplied closely as a result of the report of the complainant in this case.

As regards the system that is now in place, the Board said: *“It is a matter of some dissatisfaction to SUSI that we failed to comply with our statutory obligations in some cases last year. As a result of this, we have completely revamped and fully tested our system of issuing letters in Irish to ensure that the same thing does not happen this year.”* (trans.)

The Board advised the investigation that the direction given by SUSI to new staff members during training is that an assessor who is fluent in Irish deals with all Irish language applications. If direction at a more senior level is required, the assessor refers to the Grants Processing Manager who is fluent in Irish.

CDET is a public body for the purposes of the Official Languages Act and is therefore obliged to adhere to the statutory provisions of the Act including subsection 9(2) of the Act concerning correspondence in Irish.

The investigation found from the case that was presented to it that the system which was supposedly in place to deal with correspondence in Irish failed, despite the efforts of the Board to put such a system in place when setting up SUSI. The Office accepted that there was no reason to believe that the breach was intentional in this case. However, it was apparent from the way in which this student’s application, and his attempts to access information to resolve the matter, were handled that there was no proper system in place to deal

with communications in Irish from the public. Even when the Office contacted the Board on the matter, the Board did not succeed in dealing with the matter appropriately.

Nonetheless, it was clear that the Board had taken steps to correct this problem. It would be expected as a result of this investigation and due to the implementation of the policies that the Board has adopted that information about this statutory language obligation will be embedded in future work practices and that complaints about breaches of this provision will be reduced or will not arise.

Investigation launched: 3 October 2013

Report issued: 12 November 2013

Louth County Council

An investigation found that Louth County Council failed to comply with its statutory language duties under subsection 9(3) of the Official Languages Act when communicating with a class of the public in County Louth. A complaint was made to the Office that the Council had written, in English only, to 17,177 people throughout the county in 2012, giving information in relation to the Household Charge.

The complainant believed that such a communication from the Council should be in Irish or bilingual in accordance with the provisions of the Official Languages Act. In addition, he was concerned that the letter had been directed to the English version of his postal address, although he was registered in Irish for the Household Charge.

Subsection 9(3) of the Act requires that information from a public body communicated by post or e-mail to the general public or to a class of the general public should be in Irish or bilingual (Irish and English). Efforts to resolve the issue by the informal complaints resolution mechanism operated by the Office of An Coimisinéir Teanga failed, and a formal investigation was launched.

In its reply to the investigation, the Council supplied all the information requested in a comprehensive and professional manner. However, it was clear that the Council did not accept that it had breached subsection 9(3) of the Act.

The Council claimed that this communication did not come within the meaning of subsection 9(3) and also that it had not translated the complainant's address from Irish to English.

The Council said as follows:

“The correspondence issued by this authority in regard to the household charge related to this individual addressee. The addressee's details were taken from various databases including the PRA database where details are registered in English or Irish depending on how they are supplied by the addressee. This approach is consistent with the advice offered by the Household Charge Board.

An English version of the letter was issued as the Householder's details were registered in English on the relevant database. The addresses of those who paid the Household Charge were compared with the addresses on the PRA database. Where there was a difference between the two addresses (for language reasons, as in this case, or because the house number was changed, or for any other reason, no matter how insignificant), the computer gave the response “unpaid”. It is the policy of this authority to issue correspondence in Irish in cases where house owners have registered their details in Irish.

It is the policy and practice of this local authority to issue documents bilingually in accordance with Section 9(3) of the Official Languages Act and to communicate in writing or by email with the public in general when supplying information to the public or a class of the public.” (trans.)

The Council claimed that the correspondence had not issued to the public in general or to a class of the public in general but that in each case it was an individual communication to a named person at a specific address and this approach was *“consistent with the advice offered by the Household Charge Board.”* (trans.)

The provision of advice to public bodies in relation to the Official Languages Act is the statutory responsibility of the Office of An Coimisinéir Teanga, not the Household Charge Board. Neither Louth County Council nor the Household Charge Board sought advice from the Office on the matter at any time.

Having considered the Council's arguments carefully and having interpreted the legislation and the communication – in the properly established legal manner – the investigation concluded that the inclusion of a specific address and a reference number was not sufficient to make this an individual communication.

The investigation found that this communication was made to a class of the public as there were 17,177 letters or mailshots issued by the Council with exactly the same message or text in each letter and a generic printed signature on each letter. Apart from the name, address and reference number, there was no personal information in any of the 17,177 letters that would distinguish them as individual letters, as for example, the amount of the charge still to be paid by that person. Each letter contained standard information concerning the charge, penalties, exemptions, payment methods, etc. The name, address and reference numbers were merely a delivery mechanism and were insufficient to turn mailshots with the same basic shared information into personal letters.

In this case, Louth County Council grouped certain people together, in other words made them a class, for the purpose of supplying them with information on the Household Charge. To achieve its purpose, the Council created “a class of the public in general” consisting of a group of 17,177 people. The investigation found that the Council, as a public body, communicated with a class of the public to give information to that class and therefore should have complied with the statutory language duties in subsection 9(3) and issued the letters in Irish or in Irish and English.

In relation to postal addresses, it was clear to the investigation that insufficient steps had been taken to ensure that this communication was not issued in error to those, registered in Irish, who had paid the Household Charge. It would seem simple to compare the database provided by the PRA with the database of those who had paid the Household Charge to ensure that no communication was issued to those who had paid and whose addresses were in Irish. Because it failed to clean up the database provided by the PRA, the Council issued the communication to people with addresses in Irish, whether or not they had paid.

Investigation commenced: 5 December 2012

Report issued: 1 March 2013

Clare County Council

An investigation was discontinued when assurances were given that

Clare County Council had resolved complaints in relation to the use of English only on road signage.

The investigations arose from complaints to the Office that signs in English only had been erected in three different places within the Council's functional area. The Office had made every effort to resolve the complaint using its informal complaints resolution process, but those efforts failed.

Among the signs that were the subject of the investigation was a celebrated sign at Cnoc Uarchoille: "**Cross of Spancil Hill**". The complainant first raised the issue with the County Council on, as in the song, "*the 23 of June, the day before the fair*". As he did not receive a satisfactory reply, the Office of An Coimisinéir Teanga contacted the Council on his behalf on 9 October 2009. The Council gave an unambiguous commitment in writing in January 2010 that the sign would be corrected by 17 March 2010. The file was closed but a year later the Office was told that the sign was still in English only. On 28 October 2011, the County Council said that a new sign had been acquired but had not been erected because road works were still ongoing in the area.

In March 2012, the Office sought confirmation that the new signs had been erected and was told that: "*the new bilingual signs have been purchased by the relevant engineer. The road works are still ongoing at that junction and the new signs will be erected on completion of the works. In the meantime, the English only signs will be taken down.*" (trans.)

In June 2012, the complainant forwarded a photograph from the Clare Champion, dated 29 June 2012, clearly showing that the English only signs were in place again. This was sent to the County Council who replied on 5 November 2012 saying: "*The road works are still ongoing and we hope they will be finished before the end of the current year. At that point, the bilingual signs will be erected.*" (trans.)

In June 2013, four years after the matter was first raised with the County Council, when no progress had been made in relation to the signs at the Cross of Spancil Hill or in relation to other signs which had been the subject of complaints, an investigation was launched.

Following receipt of letters from the County Council in autumn 2013 indicating that the signs had been corrected in the three different areas that were the subject of complaint, the investigation was discontinued as there was no longer a breach of a statutory language obligation to be resolved.

Investigation launched: 27 June 2013

Investigation discontinued: 7 October 2013

Wexford Borough Council

An investigation found that Wexford Borough Council was in breach of its statutory language obligations as confirmed in the regulations and orders made under subsection 95(2) and 95(16) of the Road Traffic Act 1961 and under the Regulations under subsection 9(1) of the Official Languages Act 2003 in respect of signs with incorrect Irish language versions and signs in English only that were erected in the Council's functional area.

As a result of various complaints made to the Office in respect of the use of the official languages, Irish and English, on signage in Wexford Town, the question of signage was raised with the Borough Council on an informal basis, commencing in November 2012 with regard to two signs which were in English only.

In March 2013, further questions were raised with the Council in respect of new signs which had been erected on all the primary access roads into the town on which the text "Wexford Borough Council twinned with Couëron France" appeared in English only.

A written reminder was issued in respect of both of these matters a number of times, and a final warning was issued in August 2013. The Council failed to provide any response to these complaints.

On 26 August, the Office received further complaints from members of the public. In the first of these complaints, the Office was advised that an additional sign with the text "Annapolis, USA is a sister city to Wexford" in English only had been added to the sign "Wexford Borough Council twinned with Couëron France", in spite of the fact that the sign had been the subject of a complaint which had been raised with the Council in March. On the same date, another complaint was made to the Office in respect of two signs with incorrect text in Irish which had been erected at a roundabout in the town.

There are statutory obligations in respect of the use of Irish on traffic signs which are made under regulations and orders under subsections 95(2) and 95(16) of the Road Traffic Act 1961. These obligations are confirmed in the *Traffic Signs Manual* and all roads authorities have to comply with those obligations. There are other statutory obligations in effect in respect of the use of Irish and English on signs which are not traffic signs under the Regulations made under subsection 9(1) of the Official Languages Act 2003.

In its response to the investigation, Wexford Borough Council stated that the Engineer was on leave when the investigation papers were received

and that, in the current economic situation, there was no replacement for someone on leave.

The Council said:

There are a number of non-statutory twinning signs on the outskirts of the town. These are not regulatory or directional signs, merely information signs. Therefore, it is our opinion that it is not necessary to alter these signs.

*The Borough Council will change the script on the two roundabout signs on the new road near County Hall, **as soon as possible**.*
(emphasis in letter)

The directional signs mentioned will be changed before the end of this year.

Although the Borough Council did not acknowledge in its response that it had breached the statutory language obligations in respect of these road signs, it conceded that they should be corrected, and it advised that this would be done immediately in the case of the signs at the roundabout and by the end of the year in the case of the directional signs. The investigation welcomed that offer.

The Borough Council stated in its reply that the twinning signs would not be altered as they were not regulatory or directional signs, merely information signs.

It is stated clearly, however, in the *Traffic Signs Manual* that the relevant language obligations relate to warning, information and tourist signs, as well as to directional and regulatory signs. Even if the Council could make the case that these were not traffic signs, it would still be obliged to erect bilingual signs due to the statutory language obligations imposed on it under the Regulations made under subsection 9(1) of the Official Languages Act (S.I. 391 of 2008).

The investigation team expressed concern in relation to the decision of the Borough Council to erect new monolingual signs in English after the Office had raised the issue of the other similar signs in the same location some months previously. Undoubtedly, the Council had brought additional costs upon itself because of this.

The investigation maintained that no roads authority has the right to spend state monies on monolingual English signage which is in conflict with the orders and regulations that are made to ensure that signs of this nature are in Irish or bilingual. The investigation found that this constituted a case of the misuse of state funds.

Investigation launched: 29 August 2013

Report issued: 19 November 2013

Carlow County Council

An investigation was discontinued when Carlow County Council gave assurances that a complaint in relation to the use of English only on road signage had been resolved.

The investigation arose from a complaint that signage had been erected in English only within the Council's functional area. The Office tried to resolve the complaint using its informal complaints resolution process but those efforts failed.

Following receipt of a letter from the County Council indicating acceptance of the stance taken by the Office in relation to the signage and confirming that the question had been resolved, a decision was taken to discontinue the investigation.

Investigation launched: 21 May 2013

Investigation discontinued: 5 July 2013

Bus Éireann

An investigation found that Bus Éireann breached the statutory language obligation set out in subsection 9(1) of the Official Languages Act in the case of a timetable which had been erected by the company in Co. Kerry.

A complaint was made to the Office in June 2013 that Bus Éireann had erected a sign in Dingle, Co. Kerry, which was not in accordance with the language provisions in the Transport Act 1950 and/or with the Regulations under subsection 9(1) of the Official Languages Act 2003 in respect of the use of the Irish and English languages in signage.

Subsection 57(1) of the Transport Act 1950 imposes a particular obligation on Bus Éireann to ensure that any of its permanent public notices and signs are in Irish, or in English and Irish. The section is as follows:

“All permanent public notices and signs (including the names of

stations) maintained by the Board shall be in the Irish language but may be in both the Irish and English languages.”

There are further statutory regulations made in S.I. 391 of 2008 under subsection 9(1) of the Official Languages Act in relation to the use of the official languages on signage erected by public bodies which allows for signage to be in Irish or bilingual (English and Irish), but does not permit signage in English only.

Subsection 6(1) of the Regulations states:

Subject to the provisions of this Regulation, any sign placed by or on behalf of a public body at any location—

(a) in the State, or

(b) except in the case of an implementation body, outside the State shall be in the Irish language or in the Irish and English languages.

Efforts to resolve the issue by the informal complaints resolution mechanism operated by the Office of An Coimisinéir Teanga were unsuccessful.

In response to the investigation, Bus Éireann said that it did not accept that it had breached subsection 57(1) of the Transport Act 1950 and/or subsection 9(1) of the Official Languages Act 2003 as the displayed timetables at stops, screens and stations were collateral advertisements and as the signs were not permanent notices because they were only valid until June 2013.

In conclusion, Bus Éireann said:

“Bus Éireann submits that there is no contravention of the Official Languages Act 2003 or of any other enactment relating to the status or use of the Irish language in respect of the matter about which a complaint was made for the reasons stated above.

That is without prejudice to any other legal or other rights that may be available to Bus Éireann in the context of an investigation of that kind.” (trans.)

After receiving a copy of the draft report on the investigation, without the overview, findings or recommendations, Bus Éireann requested that the following submissions be included:

“Bus Éireann wishes to update the submissions it made in respect of the complaint about the Timetable (Ref: IM-057B). The Transport Regulator is working on updating the Guidelines on Travel Information for Public Transport Operators, which encompasses

Timetables.

Bus Éireann are obliged to comply with these regulations and a timetable will be provided which is in line with the layout requested by the Regulator.

In conclusion, the layout of the timetable which has been erected in Dingle is not in accordance with the guidelines which are to be issued by the Regulator and Bus Éireann will no longer use it from the time the Regulations are published.” (trans.)

It was apparent that the body did not accept that the legislation had been breached in this instance.

Bus Éireann argued that the sign which was the subject of the investigation was not a permanent notice, as the sign was only valid until June 2013. Even if it was not a permanent sign, the Regulations refer to **every** sign which a public body erects, other than certain exceptions in respect of which exemptions are available. The signs must be in Irish or bilingual and the provisions apply to **any sign** placed by or on behalf of a public body at **any location**.

Bus Éireann maintained that this particular information which was displayed by the body was not a sign for the purposes of the Regulations under the Official Languages Act. *“Timetables displayed by Bus Éireann at stops, screens and stations are collateral advertisements as they illustrate the range of services, departure times and destinations which intending passengers could avail of from this particular location, which could persuade them to travel with Bus Éireann at that time or at a future date.” (trans.)* The investigation did not think that there was any legislative basis for that stance.

This was a matter of interpretation of a legal provision which is confirmed in law. It was of significance to the investigation that Bus Éireann said the following when repudiating that this was a permanent notice: *“This **sign** is not in any way a permanent notice”* (emphasis by investigation) (trans.) – a clear admittance, one would think, that it was a sign. There is no particular definition of the word “sign” for the purposes of the Official Languages Act or in the regulations made under the Act. The legal interpretative rule in cases of that kind is that account is taken of the context in which the word is used and the common meaning of the word.

It was seen by the investigation that a sign was information or knowledge which is displayed and which includes, but is not limited to, the following types of signs: warning signs, information signs, instructional signs, directional signs, mandatory signs, emergency signs, prohibitive signs, risk or hazard signs, safety signs, lit signs and electronic signs.

The relevant information was displayed for the public in general and it needs to be displayed continually. These timetables function as information signs and they are erected at bus stops and in Bus Éireann stations to inform bus users of bus schedules.

The investigation team was in no doubt, therefore, that these were signs for the purposes of the regulations in respect of the use of the official languages in signage (S.I. No. 391 of 2008). Moreover, this particular sign had been erected in a Gaeltacht area and referred to bus travel to Gaeltacht townlands.

As regards the additional submission made by Bus Éireann when they received the draft report on the investigation, after some inquiries by the Office it came to light that Bus Éireann was referring to non-statutory guidelines which are being issued by the National Transport Authority. As these guidelines do not have legal status, there is no question but that the Regulations under subsection 9(1) of the Official Languages Act take precedence in this case. It was a matter of some concern, therefore, to the investigation that Bus Éireann intended to give precedence to these guidelines over the statutory language obligations which are imposed by law on the body.

That said, the investigation team took the opportunity to ensure that any guidelines being issued in this respect by the National Transport Authority were compliant with the legislation so that no difficulties would arise in the matter at a later stage.

The National Transport Authority cooperated fully with the investigation on the matter. A meeting was arranged between a member of the investigation team and officers of the National Transport Authority at which samples of the various new transport signs proposed in the guidelines, encompassing every aspect of public transport including bus, train and tram, were displayed. The Office was satisfied as a result of that meeting that any proposed sign of this nature will be in compliance with the legislation. It was planned that the guidelines would be completed by the end of 2013 and that rollout of the new signs would commence early in 2014.

In light of the assertion from Bus Éireann that all of its timetables would be in compliance with the guidelines being prepared by the National Transport Authority, the investigation team was satisfied that any new signs erected would be compliant with the legislation and that current signs would be amended accordingly.

Investigation launched: 19 July 2013

Report issued: 20 December 2013

County Clare Vocational Education Committee

An investigation found that County Clare Vocational Education Committee (VEC) did not have a proper system in place to ensure compliance with its obligation under subsection 9(2) of the Official Languages Act. This section provides that when a person writes to a public body in an official language, by letter or email, that person is entitled to a reply in the same official language.

In September 2012, the Office raised a complaint with the VEC in relation to signage that was in English only. This was done by means of an email in Irish, sent to a named contact within the organisation. An acknowledgment, in English, was received that afternoon so a second email was sent reminding the contact that a communication written in Irish must be replied to in Irish.

When the VEC had not replied to the complaint concerning signage by 1 October, the Office sent a reminder and again pointed out that correspondence in Irish should be replied to in Irish. The VEC again replied in English. The Office responded immediately by requiring a reply in Irish.

Further reminders were sent on 21 and 29 November, indicating that an investigation would be launched unless a reply in Irish was received from the VEC by 7 December. The Office received an email on the afternoon of 29 November with a reply in Irish that was unintelligible. It appears that the reply had been translated using an online automated translation service.

Meanwhile, a separate correspondence was taking place between the VEC and the Office with regard to the implementation of the VEC's Irish language scheme. All replies from the VEC were in English although the correspondence from the Office was in Irish. It was clear that the VEC had difficulties dealing correctly with correspondence in the first official language so an investigation was launched to make findings in the matter.

In its reply to the investigation, the VEC accepted that it had breached subsection 9(2) of the Official Languages Act in this instance and claimed that it had concentrated on the substance of the complaint and failed to attend to the requirement to reply in Irish.

As background, the VEC stated that the breach happened in the context of *“a normal busy workplace, where there had been a reduction in the number of staff, no replacements employed and major new building projects as well as other duties and priorities devolved to the VEC.”* (trans.)

The VEC said that for many years it had been trying its best to comply with the provisions of the Official Languages Act and that it would take the following

steps:

“A reply to all correspondence in Irish will be prepared, translated and send back to the correspondent.

As the County Clare Vocational Education Committee will be dissolved within a few months these matters will be brought to the attention of the new entity [the Education & Training Board] for the Limerick & Clare area”. (trans.)

The VEC indicated that it was *“now very much aware of its duty to reply in Irish to correspondence received in that language”*. (trans.)

The investigation found that the VEC did not have a system in place to deal with correspondence in Irish in spite of the efforts made by the Office to remind it of that statutory requirement and recommendations were made to amend the situation.

Investigation commenced: 6 December 2012

Report issued: 17 January 2013

Kilkenny County Council

An investigation was discontinued when assurances were given which would ensure that Kilkenny County Council would in future be in compliance with certain statutory language obligations.

The investigation arose from a complaint made to the Office that the Council, when contacting 13,989 people in the County in relation to the Household Charge, had issued a communication in English only. Subsection 9(3) of the Official Languages Act requires that information from a public body communicated by post or e-mail to the general public or to a class of the general public should be in Irish or bilingual (Irish and English). Efforts to resolve the issue by the informal complaints resolution mechanism operated by the Office failed and a formal investigation was launched.

The investigation was discontinued when a letter was received from the Council confirming that it accepted the position of the Office in relation to the communication in English only and promising that any future correspondence of this nature would comply with subsection 9(3) of the Act.

Investigation launched: 7 December 2012

Investigation discontinued: 14 January 2013

Roscommon County Council

An investigation was discontinued when Roscommon County Council gave assurances that a complaint in relation to the use of English only on road signage had been resolved.

The investigation arose from a complaint that signage had been erected in English only within the Council's functional area. The Office had tried to resolve the complaint using its informal complaints resolution process but those efforts failed.

Following receipt of a letter from the County Council indicating that the signs within its remit had been corrected, it was decided to discontinue the investigation.

Investigation launched: 29 April 2013

Investigation discontinued: 11 November 2013

FINANCIAL MATTERS

A budget of €599,000 was provided for my Office for 2013 and €595,926 of that money was drawn down.

The accounts of the Office for 2013 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.

Tuairisc ar Íocaíochtaí Prasa * *Prompt Payments Report*

Tréimhse Clúdaithe: an 1 Eanáir – an 31 Nollaig 2013

Period Covered: 1 January 2013 – 31 December 2013

Sonraí <i>Details</i>	Uimhir <i>Number</i>	Luach (€) <i>Value (€)</i>	Céatadán (%) de líon iomlán na n- íocaíochtaí a rinneadh <i>Percentage (%)</i> <i>of total number</i> <i>of payments</i> <i>made</i>
Líon na n-íocaíochtaí a rinneadh laistigh de 15 lá <i>Number of payments made</i> <i>within 15 days</i>	199	136,501	91%

Líon na n-íocaíochtaí a rinneadh laistigh de thréimhse idir 16 lá agus 30 lá <i>Number of payments made within 16 days to 30 days</i>	17	7,077	8%
Líon na n-íocaíochtaí a rinneadh sa bhreis ar 30 lá <i>Number of payments made in excess of 30 days</i>	2	36	1%
Líon na n-íocaíochtaí sa tréimhse <i>Total payments made</i>	218	143,614	100%
¹Sonraisc faoi dhíospóid <i>¹Disputed Invoices</i>			Ní bhaineann N/A

¹ Sonraisc a fuarthas i rith na tréimhse agus a bhí fós faoi dhíospóid ag deireadh na tréimhse tuairiscithe.

¹ 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 2013

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 2013, the Office of An Coimisinéir Teanga consumed 63.35 MWh of electricity. This constituted a increase of 3.7% in comparison to 2012 (61.11 MWh).

Actions Taken in 2013

The established energy-saving practices 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. In 2013 energy consumption was used as a criterion in choosing electronic equipment and in evaluating tenders for equipment.

Actions Planned for 2014

The Office will continue the energy-saving policies already initiated and it is intended to monitor electricity consumption on a regular basis during 2014.

FOIREANN AGUS SONRAÍ TEAGMHÁLA STAFF AND CONTACT DETAILS

FOIREANN / STAFF

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

On 4 December 2013, Seán Ó Cuirreáin informed the President, Michael D. Higgins, and later told a Joint Oireachtas Committee in Leinster House that he intended to resign from his position as Coimisinéir Teanga on 23 February 2014, on completing 10 years in office.

SONRAÍ TEAGMHÁLA CONTACT DETAILS

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

POST • POST:	An Coimisinéir Teanga, An Spidéal, Co. na Gaillimhe, Éire.
FÓN • PHONE:	091-504 006
GLAO ÁITIÚIL • LO-CALL:	1890-504 006
FACS • FAX:	091-504 036
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Is é an leagan Gaeilge buntéacs na Tuarascála seo.
The Irish language version is the original text of this Report.