



Office of An Coimisinéir Teanga

**Report under subsection 26(5) of the Official Languages
Act, 2003**

to the Houses of the Oireachtas

on

**the implementation of the recommendations of an
investigation conducted under subsection 21(f) of the
Official Languages Act 2003**

An Garda Síochána

April 2021

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CHAPTER 1 – Background

In accordance with subsection 26(5) of the Official Languages Act 2003, I am permitted, as Coimisinéir Teanga, to lay a report before both Houses of the Oireachtas if I am of the opinion that a public body did not implement any part of the recommendations contained in a report on an investigation I had undertaken.

This report concerns an investigation made by my Office on An Garda Síochána which was completed in December 2011. This investigation examined if there had been a breach of the statutory obligations in the Garda Síochána Act 2005, and in the language scheme of An Garda Síochána, with regard to members of the force stationed in the Gaeltacht being sufficiently competent in Irish to carry out their duties in that language. The report on the investigation is provided in **Appendix A**.

After a reasonable period of time has passed and having completed the appropriate enquiries, I have reached the conclusion that An Garda Síochána has failed to satisfactorily implement the recommendations made by the investigation. As Coimisinéir Teanga, I am charged with taking all necessary measures under the powers granted to me to ensure that public bodies comply with the provisions of the Official Languages Act 2003. I also have the authority to conduct an investigation to determine if a public body has complied with the provisions of any other enactment relating to the status or use of an official language.

In any case where an investigative report is issued, it is emphasised that any party to the investigation, or any other person affected by the findings and recommendations of the investigation, may appeal the matter to the High Court on a point of law. No such appeal was made in respect of the investigation which is the subject of this report. After a reasonable period of time has passed, it is common practice for my Office to review the manner in which public bodies have implemented the recommendations which arose from any investigation. Throughout this process, an opportunity is granted to the public body to give an account of the manner in which the recommendations were implemented.

In the period between January 2012 and March 2021, my Office conducted an audit on the implementation of the recommendations made in the investigative report by An Garda Síochána. During that process it came to light that An Garda Síochána had not satisfactorily implemented the recommendations made in the investigative report. It is on that basis that this report is being laid before both Houses of the Oireachtas.

As Coimisinéir Teanga, I hope that An Garda Síochána succeeds in remedying the challenges identified in this report concerning the failure of the organisation to comply with subsection 33(2) of the Garda Síochána Act 2005. Every advice and support shall be available from my Office in accordance with the Official Languages Act 2003.

CHAPTER 2 – Summary of the Investigation

This was a very significant investigation which found that An Garda Síochána did not comply with its statutory duties where members of the force stationed in a Gaeltacht area were not sufficiently competent in Irish to carry out their duties without difficulty in that language. The investigation concluded that there had been a breach of subsection 33(2) of the Garda Síochána Act 2005 which imposes an obligation on the Garda Commissioner to ensure, to the extent practicable, that members stationed in a district which includes a Gaeltacht area are fluent in the Irish language. There was also a breach of a statutory commitment in the language scheme of An Garda Síochána, made under the Official Languages Act, which requires members of the force stationed in Gaeltacht areas to have the necessary qualifications in Irish.

The complainant – a native Irish speaker from the Gaeltacht for whom Irish was his language of choice – visited the Garda station at An Bun Beag/Doirí Beaga (Gaoth Dobhair), Co. Donegal around midday on November 24th 2010. The Garda on duty, while courteous, explained that he did not have sufficient Irish to be able to conduct business in that language. When the Office of An Coimisinéir Teanga tried to resolve the matter informally, the Garda authorities indicated that only one of the nine members assigned to that station could carry out his duties without difficulty through Irish. A formal investigation ensued at that stage.

During the course of the investigation, both written communications and meetings took place between the Office of An Coimisinéir Teanga and senior management of An Garda Síochána. When An Garda Síochána indicated that the number of Gardaí with Irish in the station had been increased to three (and that a fourth would be assigned there shortly) it was decided, in late April 2011, to temporarily set aside the investigation to permit An Garda Síochána to draft and implement a plan which would achieve the objective that Gardaí serving in that Gaeltacht station would have the appropriate level of fluency in Irish. By late summer 2011, when it appeared to An Coimisinéir Teanga that little progress had been made, he decided to resume the formal investigation.

In the meantime, the original complainant had difficulty conducting his business through Irish in the same station several times. It was only through the intervention of the Office of An Coimisinéir Teanga that a meeting was arranged for him with an Irish-speaking Garda.

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

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

In addition, reference was made to bilingual signs provided in Gaeltacht Garda stations to indicate that an Irish-speaking member would be made available in cases where the Garda on duty is not fluent in Irish. There was a reference to the provision of further training in Irish when funding would become available, and also to the inclusion of language requirements when Gardaí were being allocated to stations as soon as the recruitment moratorium comes to an end. It appeared to the investigation that this letter did not go far enough in addressing the core issue at the root of the problem.

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

‘The Garda Commissioner shall, to the extent practicable, ensure that members of the Garda Síochána stationed in a district that includes a Gaeltacht area are sufficiently competent in the Irish language to enable them to use it with facility in carrying out their duties.’

[Subsection 33(2) of the Garda Síochána Act 2005.]

This is not a new statutory obligation as there was a similar provision in the founding legislation, the Garda Síochána Act 1924. If the Garda Commissioner is not going to comply with this obligation in a particular case, or in certain cases, he is required to be able to demonstrate that he tried to comply with it “*to the extent practicable*”, i.e. that he made proactive efforts to comply and that this proved impossible. There is a further statutory provision at issue here – a statutory commitment given in subsection 3.11 of the Garda Síochána Language Scheme 2009–2012:

‘All personnel being allocated to Stations in the Gaeltacht will have the necessary qualifications in Irish.’

The investigation considered that it was not sufficient to claim that personnel “successfully passed the oral Irish examination as part of their training in Templemore”.

All of the nine Gardaí assigned to An Bun Beag/Doirí Beaga had successfully passed this examination when the complaint first arose and yet it was freely acknowledged that eight of the nine were unable to deal with a member of the public through Irish.

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

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

of the Garda Síochána Act. In addition, because Gardaí without the necessary fluency in Irish were assigned to the Garda station in An Bun Beag/Doirí Beaga after May 28th 2009, the date on which the force's language scheme under the Official Languages Act was confirmed, the investigation found that An Garda Síochána had also breached the statutory commitment given in subsection 3.11 of that scheme. No fault was found with any of the individual Gardaí stationed in the district in question. They were not responsible for the statutory breach; that was the responsibility of the authorities acting on behalf of the Garda Commissioner who decided to station them there, even though they did not have the necessary competence in Irish.

Recommendations

- That the Garda Commissioner take every necessary step to ensure full compliance with the statutory obligation as ratified in subsection 33(2) of the Garda Síochána Act 2005; and subsection 18(1) of the Official Languages Act 2003; in so far as it pertains to subsection 3.11 of An Garda Síochána's Language Scheme, 2009-2012, in respect of members of the force being stationed at An Bun Beag/Doirí Beaga, [Gaoth Dobhair] Co. Donegal and that he shall henceforth ensure that Gardaí shall be on duty there who are sufficiently proficient in Irish to allow them to use it without difficulty while performing their duties.
- Without prejudice to the overall immediate obligation in question, that the Garda Commissioner shall achieve full compliance with the relevant statutory language obligations as soon as possible on an incremental basis, but, at the very latest, within a nine month period from the date of this report in so far as it pertains to the Garda station at An Bun Beag/Doirí Beaga.
- That the finding and recommendations of the investigation are not to be used as an excuse to reduce or slow the provision of an appropriate policing service for the area in question.
- That An Garda Síochána implement an appropriate language testing system of their own choice (similar to the system for Teastas Eorpach na Gaeilge operated by NUI Maynooth, which is linked to the Common European Framework for Languages (European Council, 2001)) to assess the Irish language fluency of members when it is proposed that they may be stationed in a district with a Gaeltacht area, and that only Gardaí with sufficient proficiency in Irish to enable them to use it without difficulty while performing their duties be stationed there.
- That the Garda Commissioner examine if there were implications from the decision of this investigation in relation to all the districts of An Garda Síochána with Gaeltacht areas and, if there were, that these be addressed to ensure compliance with the statutory language obligations.

CHAPTER 3 – The Monitoring Process

After a reasonable period of time has passed following the issue of the investigative report, my Office examines the manner in which the public body is approaching the implementation of the investigation's recommendations. During this process, an opportunity is given to the public body to provide an official response regarding the steps which have been taken to date to act on the implementation of the investigation's recommendations.

The monitoring process of implementation of the investigation's recommendations commenced during the year 2012. There were a vast number of contacts between my Office and senior officers of An Garda Síochána from that time to date and these are enumerated in **Appendix B**. Indeed, in my time as Coimisinéir Teanga there was more communication with An Garda Síochána than any other public body in the context of implementing investigation recommendations.

I had a meeting with Garda Commissioner Drew Harris on 25 March 2019, and I sent him a letter on 15 April 2019 providing a summary of that meeting and outlining the actions required in order to finalise the case. Eight actions, in total, were specified in that document.

On 25 June 2019 the Office was informed that a comprehensive document, in reply to An Coimisinéir Teanga's letter, had been forwarded to Garda management. A note was sent to An Garda Síochána on 11 July enquiring when we would receive the reply. A reminder was sent on 2 September when no reply had been received.

On 3 September 2019 an acknowledgement was received apologising for the delay and stating that the Human Resources and Personnel Development Office of An Garda Síochána understood the urgency of the matter and that a reply would be provided soon in respect of all the actions discussed at the meeting with Commissioner Harris on 25 March 2019.

An email was issued to An Garda Síochána on 20 September 2019 stating that almost 6 months had elapsed since the meeting of 25 March, and that the Office was still awaiting a response on the matter from An Garda Síochána. It was explained that the apparent lack of progress on this issue was a matter of concern and that consideration was being given to the next steps to be taken in light of the lack of a full response from An Garda Síochána.

Quite a few contacts between my Office and the Office of the Garda Commissioner followed that, during which it was reminded that I am obliged to present a report on the subject to the Houses of the Oireachtas if no progress was shown on recommendations of the investigation.

A response, including an up-to-date report, was received on 5 November 2019. In that letter, it was advised that the important obligations of An Garda Síochána to provide

their services through Irish would be included in their ongoing change programme. It was also stated that a Strategic Workforce Plan was being drafted at present for the period 2020-2022 and that an Irish language service which is fit for purpose would be included in this Strategic Workforce Plan

It was stated in the letter that the Human Resources and Personnel Development Office of An Garda Síochána would ensure the inclusion of the demand to provide services through Irish in every internal promotional and lateral competition henceforth and that trainees with Irish will continue to be recruited from future competitions.

My Office examined the report provided, and it was compared with the actions requested in my letter of 15 April 2019. Although a reply was given in relation to each of the actions requested in my letter, there was little evidence of action. The majority of the measures were characterised by no timeframes, vagueness or conditional understandings.

On 22 November 2019 a clarification was sought from An Garda Síochána in relation to the number, as opposed to the percentage, of Gardaí who have Irish in Gaeltacht stations, and a reminder was issued on the matter on 12 December. Despite receiving acknowledgements for both emails, no reply had been received by the end of April 2020.

This Office sought additional information and clarifications once more from An Garda Síochána at the beginning of May 2020. We sought information in respect of any progress that had been made in regard to assessments, promotion of members of An Garda Síochána to Gaeltacht stations, analysis of members with and without Irish in Gaeltacht stations who are due to retire, arrangements in respect of Gardaí with Irish who come through the recruitment panel and the protocols in respect of specialist units.

A response was provided on 10 June 2020 but the progress one would expect has not been achieved by that time. It was clear from the information provided that the number of Gardaí with Irish who are on duty in Gaeltacht stations was relatively static.

I issued a response to that report on 29 June 2020 and indicated that it was not apparent to me from the letter that it contained specific dates in respect of actions which would assist with the implementation of the investigation's recommendations. This included the issue of testing, arrangements in respect of members recruited through the Irish language panel (including a list of those serving in Gaeltacht stations or stations in districts in which there is a Gaeltacht area), specialist units and an analysis of retiring members.

I issued a Monitoring Report in August 2020 in which I described the lack of progress achieved and I indicated that I felt that I had no option but to lay a report before both Houses of the Oireachtas regarding the matter. Some correspondence regarding the matter was exchanged between my Office and officers of An Garda Síochána in which additional information was subsequently provided relating to the testing that had been carried out and members who were retiring imminently.

On 20 November 2020 I received a letter from the Commissioner of An Garda Síochána, accompanied by supporting documentation, as a response to the Monitoring Report. A copy of that correspondence is contained within **Appendix C**. Following a request for further information, including the terms of reference for the Irish Language Strategic Working Group and the implementation date of the Garda Síochána Strategic Workforce Plan, referenced in the Garda Síochána report, I replied to that correspondence on 5 February 2021 and I confirmed to the Commissioner that I intended to lay this report before both Houses of the Oireachtas.

I acknowledged in that correspondence that some efforts had been made by An Garda Síochána since 2011 to engage with the recommendations which arose from the investigation of the same year, an investigation which found that An Garda Síochána had breached the Garda Síochána Act 2005. However, although some measures had been initiated by An Garda Síochána since 2011 to date in response to the findings and recommendations of the investigation, it is my considered opinion that the totality of those measures did not comply with the fundamental statutory duty contained in subsection 33(2) of the Garda Síochána Act 2005, and particularly as it pertained to the following recommendation of the investigation:

‘That the Commissioner of An Garda Síochána shall examine whether the finding and recommendations of this investigation has implications **for all the districts of An Garda Síochána in which there are Gaeltacht areas, and if there were, that these would be addressed to ensure compliance with the statutory language obligations.**’

As the basis for this opinion, I specifically referred to the fact that the statistics contained in the report issued by the Garda Commissioner’s Office on 20 November 2020 demonstrated that 35 of 95 members of An Garda Síochána in its entirety are sufficiently proficient in Irish to enable them to use it without difficulty while performing their duties in the Gaeltacht, equivalent to **37%** of the members located in Gaeltacht stations.

It was also noteworthy that this percentage had not increased since the investigation was carried out in 2011. Indeed, albeit that a different language proficiency yardstick was used by An Garda Síochána in 2020 as against 2012, it appears that a decrease has occurred in the number of members stationed in the Gaeltacht since 2012, when it was reported to this Office that 47 of 114 members – equating to **41%** of the members stationed in the Gaeltacht – were capable of using Irish without difficulty while performing their duties in the Gaeltacht.

If the same language proficiency yardstick had been applied as was the case in 2011/2012 there would have been a slight increase, from 47 to 51, in the number of members stationed in the Gaeltacht capable of speaking Irish in June 2020. Such a minimal increase after such a long period of time still highlights a failure to implement recommendations. In any event that yardstick utilised in 2011/2012, i.e. members who conducted an Irish oral exam as trainee Gardaí, was viewed as not fit for purpose by this investigation.

Following analysis by my Office of the aforementioned statistics in the context of the 2011 investigation's recommendations, it is apparent that An Garda Síochána is not compliant with the fundamental statutory obligation in subsection 33(2) of the Garda Síochána Act 2005.

The report of 20 November 2020 also emphasised the particular importance attaching to An Garda Síochána's Strategic Workforce Plan in respect of satisfying the above mentioned statutory obligation and that 'Irish language requirements would be mainstreamed within planning and recruitment processes.' Having made further enquiries with An Garda Síochána regarding the implementation of the Strategic Workforce Plan, I was informed that there was no deadline by which the Strategic Workforce Plan would be implemented.

The Strategic Irish Language Working Group and the Irish Language Proficiency Panel were measures which had been emphasised by An Garda Síochána in furtherance of ensuring compliance with the statutory obligation in subsection 33(2) of the Garda Síochána Act 2005. However, it is my understanding, based on enquiries with An Garda Síochána, that terms of reference for the Strategic Irish Language Working Group were not available when sought by my Office on 4 December 2020 and were subsequently provided on 5 March 2021.

The dearth of members being recruited through the Irish language Stream was also significant with only three members having being recruited from the Stream in 2019. In addition, it is apparent that 18 of 55 members, that is to say **33%** of the members recruited from the Irish language Stream from 2013 to date, are located in Divisions which have no Gaeltacht stations in their remit.

Having examined the statistics and information contained in the correspondence and report of 20 November 2020, and with regard to all of the circumstances outlined above, it appears that no Implementation Plan exists which demonstrates a systematic, cross-organisational approach, within An Garda Síochána, to further compliance with the provisions as stated in subsection 33(2) of the Garda Síochána Act 2005. I believe that such an Implementation Plan, which would set out specific deadlines, organisational performance indicators and a timetable which would remedy the retrospective deficiencies which were specifically identified in this Office's investigation of An Garda Síochána in 2011 and the monitoring measures which have arisen in the intervening period is necessary.

As is the case with any investigative report that is issued, any party to the investigation or any other person affected by the findings or recommendation has a right of appeal to the High Court on a point of law. An Garda Síochána did not avail of that opportunity but also chose not to implement all of the statutory recommendations that I had made.

I corresponded with An Garda Síochána on 5 February, informing them that I had determined, due of the lack of progress, to lay a report before both Houses of the Oireachtas regarding the matter. A meeting was sought with my Office on 26 February 2021 on the basis that additional steps were being taken by An Garda Síochána to remedy that lack of progress.

In correspondence to my Office on 5 March 2021 An Garda Síochána provided an update on current initiatives and also outlined some recent measures it had undertaken. I responded in writing to the Commissioner of An Garda Síochána on 2 April 2021 and acknowledged his personal commitment to the progression of the Irish language within an Garda Síochána.

After careful consideration of the information provided to my Office on 5 March 2021, however, it was still my considered opinion that the additional measures and progress achieved on current initiatives would not result in a significant increase in the cohort of 37% of members who are currently stationed in the Gaeltacht and sufficiently proficient to carry out their duties through the medium of Irish.

To achieve a significant increase in the 37% cohort a clear roadmap with specific goals and deadlines is required to discern how an incremental and measurable increase could be achieved.

Ten years have passed since the initial investigation and as Coimisinéir Teanga I cannot accept that the current situation constitutes compliance by An Garda Síochána with the statutory obligation in subsection 33(2) of the Garda Síochána Act 2005.

On that basis I determined to lay this report before the Houses of the Oireachtas.

The detrimental impact of state officials without Irish, who operate in the Gaeltacht, on the decline of Irish as a community language in the Gaeltacht, has been documented from the very foundational period of the State. The first Gaeltacht Commission specifically treated of the question as far back as 1926:

‘In order fully to understand it, one has only to visualise a Garda Síochána barracks of English Speaking Gardaí in the centre of an Irish Speaking district; or a Post Office, in which no one speaks Irish, in an Irish Speaking village; or a non-Irish Speaking official of the Department of Agriculture, or of the Land Commission, or of the Customs and Excise, operating amongst an Irish Speaking population. These officials are direct agents in the spreading and establishment of English.’

[Coimisiún na Gaeltachta: reports, maps and minutes of evidence, 1926: 30]

It is regrettable, almost one hundred years after the foundation of the State’s public administrative system, that the aforementioned observations from that period are the subject of a report to the Houses of the Oireachtas in 2021.

CHAPTER 4 – The Next Step

As Coimisinéir Teanga, it is my responsibility to take all necessary measures within my sphere of authority to ensure that public bodies comply with the provisions of the Official Languages Act. This is achieved by monitoring public bodies, providing advice to the public regarding their rights under the Act, and providing advice to public bodies regarding their obligations under the Act.

When it appears to me that public bodies may be neglecting their obligations under the Official Languages Act or under other enactments relating to the status or use of Irish, I have the authority to initiate an investigation on the matter.

The report issued by me at the conclusion of an investigation contains both findings and recommendations. The public body in question is obliged to implement those recommendations within a reasonable period of time, or within a specific period of time as may be set out in the recommendations. Any party to an investigation under the Act or any other person affected by my findings and recommendations following such an investigation has the right to make an appeal to the High Court on a point of law.

No such appeal was undertaken in the case of the investigation that is the subject of this report.

Once a reasonable period of time had passed from the issuing of the investigative report, my Office examined the measures undertaken by An Garda Síochána to implement the various recommendations. During this process, the public body was afforded the opportunity to respond in respect of the implementation of those recommendations. A copy of the most recent responses is attached in **Appendix C**.

After reviewing the case in its entirety, I believe that the recommendations made in the investigative report have not been appropriately implemented by An Garda Síochána and I cannot, under the powers granted to me, undertake any additional measures to impress upon them to do so.

It is on that basis that I lay this report before both Houses of the Oireachtas.

It falls to the Houses of the Oireachtas to take whatever additional measures they deem appropriate.

APPENDIX A

**Tuarascáil faoi alt 26 d'Acht na dTeangacha
Oifigiúla 2003
ar**

Imscrúdú faoi fho-ailt 21 (c) & 21(f) d'Acht na dTeangacha Oifigiúla 2003

An Garda Síochána

IM-241B

Ábhar an Imscrúdaithe

An bhfuil An Garda Síochána ag sárú dualgais reachtúla teanga atá daingnithe i bhfo-alt 33(2) d’Acht an Gharda Síochána 2005 agus i bhfo-alt 18(1) d’Acht na dTeangacha Oifigiúla 2003 fad is a bhaineann sé le fo-alt 3.11 de scéim teanga an Gharda Síochána i gcás comhaltaí den Gharda Síochána nach bhfuil inniúil go leor sa Ghaeilge chun gur féidir leo í a úsáid go saoráideach chun a ndualgais a chomhlíonadh a bheith lonnaithe i gceantar Gaeltachta, mar atá, an Bun Beag/Doirí Beaga, [Gaoth Dobhair], Co. Dhún na nGall.

CLÁR

CAIBIDIL 1 – Cúlra agus Seoladh an Imscrúdaithe	Lch 3
CAIBIDIL 2 – Freagra an Gharda Síochána	Lch 7
CAIBIDIL 3 – Osradharc ar an Imscrúdú	Lch 14
CAIBIDIL 4 – Fionnachtana agus Moltaí	Lch 22
CAIBIDIL 5 – Achomhairc chuig an Ard-Chúirt	Lch 24
CAIBIDIL 6 – Tuairimí á Lorg	Lch 25

AGUISÍN A

AGUISÍN B

AGUISÍN C

AGUISÍN D

AGUISÍN E

AGUISÍN F

AGUISÍN G

CAIBIDIL 1

Cúlra agus Seoladh an Imscrúdaithe

Rinne ball den phobal, ar cainteoir dúchais Gaeilge ón Ghaeltacht é agus arbh í an Ghaeilge a rogha theanga, gearán leis an Oifig seo gur Garda gan Gaeilge a bhí roimhe nuair a thriall sé gnó a dhéanamh trí mheán na teanga sin ag Stáisiún na nGardaí ar an Eastáit Tionsclaíochta, sna Doirí Beaga, Gaoth Dobhair i nGaeltacht Dhún na nGall ar an 24 Samhain 2010.

Tháinig an gearánach go dtí stáisiún na nGardaí i gceartlár na Gaeltachta ansin thart ar mheánlae ar an 24 Samhain 2010. Cé go raibh an Garda a bhí ar dualgas ansin múinte leis, dúirt sé leis nach raibh aon Ghaeilge aige le go mbeadh sé ar a chumas an gnó a dhéanamh sa teanga sin.

Nuair a rinne m'Oifig iarracht an cheist seo a réiteach trí chóras neamhfhoirmiúil réitithe gearáin na hOifige seo, níor éirigh leis na hiarrachtaí sin. Cuireadh in iúl do m'Oifig, de thoradh na bhfiosruithe sin, nach raibh ach comhalta amháin as naonúr atá lonnaithe i Stáisiún an Bhun Bhig/Doirí Beaga [Gaoth Dobhair] in ann cumarsáid a dhéanamh trí Ghaeilge go dtí caighdeán a chuirfeadh ar a gcumas déileáil le cuairteoirí chun an stáisiún, agus níor cuireadh aon mholtaí sonracha chun cinn a chinnteodh go mbeadh leigheas ar an scéal.

Dá mba fhíor go raibh Gardaí gan Gaeilge curtha ar dualgas sa limistéar Gaeltachta sin d'fhéadfadh ceisteanna a bheith ann faoi chomhlíonadh na ndualgas atá leagtha ar Choimisinéir an Gharda Síochána de réir fo-alt 33(2) d'Acht an Gharda Síochána, mar atá:

“Déanfaidh Coimisinéir an Gharda Síochána, a mhéid is indéanta, a chinntiú go mbeidh comhaltaí den Gharda Síochána a bheidh ar stáisiún i ndúiche ina bhfuil limistéar Gaeltachta inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall.”

Sa bhreis ar sin, bheadh ceist ann maidir le cur i bhfeidhm ina iomláine scéim teanga an Gharda Síochána faoi alt 11 d'Acht na dTeangacha Oifigiúla 2003, a tháinig i bhfeidhm ar 28 Bealtaine 2009. Is mar seo a leanas atá an fhoráil cuí d'Acht na dTeangacha Oifigiúla 2003:

Alt 18.-(1) I gcás ina ndaingneoidh an tAire scéim faoin Acht seo, rachaidh an comhlacht poiblí ar aghaidh leis an scéim a chur i gcrích.

Tá sé daingnithe sa scéim teanga gurb é beartas reatha an Gharda Síochána ardchaighdeán sa Ghaeilge labhartha a chinntiú i gcás comhaltaí atá ag fónamh i gceantar Gaeltachta, agus go mbeidh “ag gach pearsanra a leithdháilfear ar stáisiún i gceantair Ghaeltachta na cáilíochtaí riachtanacha sa Ghaeilge, a bheith acu” (alt 3.11 den scéim). Dearbhaítear fosta sa scéim teanga go n-aithníonn an fórsa ceart gach saoránach a c(h)uid gnó a dhéanamh i nGaeilge agus go bhfuil sé tiomnaithe do chur i bhfeidhm Acht na dTeangacha Oifigiúla ina iomláine.

Sheol mé an t-imscrúdú seo ar an 18 Feabhra 2011 de réir an nóis imeachta atá leagtha amach chuige seo in Acht na dTeangacha Oifigiúla. Go bunúsach, theastaigh uaim de thoradh an imscrúdaithe a bheith ábalta cinneadh a dhéanamh an raibh sárú á dhéanamh ar na dualgais reachtúla maidir le hinniúlacht chuí sa Ghaeilge a bheith ag comhaltaí den Gharda Síochána atá ar stáisiún sa limistéar Gaeltachta atá i gceist.

Leagtar amach go reachtúil in ailt 23-29 d'Acht na dTeangacha Oifigiúla an córas le himscrúduithe a sheoladh. Ba é an nós imeachta a bheartaigh mé don chéad chéim den imscrúdú ná litir a sheoladh chuig Coimisinéir an Gharda Síochána ag lorg eolais ar leith, freagraí ar cheisteanna ar leith chomh maith le haon fhaisnéis, taifid nó rud den sórt sin a bhain le hábhar an imscrúdaithe.

D'iarr mé go gcuirfí an t-eolas cuí sin ar fáil faoin 11 Márta 2011 agus thairg mé deis ar shoiléiriú ar aon ghné de riaradh an imscrúdaithe trí theagmháil le m'Oifig. D'aontaigh mé le hiarratas ón nGarda Síochána síneadh ama a thabhairt lena bhfreagra a ullmhú.

I litir dar dáta an 31 Márta 2011 sheol An Garda Síochána cuntas i scríbhinn chugam mar fhreagra ar na ceisteanna a bhí tarraingthe anuas san imscrúdú seo. Tá an comhfhreagras sin mar **AGUISÍN A** leis an tuarascáil seo. D'iarr mé soiléiriú breise ar cheisteanna a d'eascair as an chumarsáid sin.

Ar iarratas ón nGarda Síochána eagraíodh cruinniú ar an 12 Aibreán 2011 idir m'Oifig agus baill shinsearacha den fhórsa, san áireamh, Coimisinéir Cúnta agus Ard-Cheannfort de chuid an Gharda Síochána. Pléadh na dualgais reachtúla teanga atá ar an nGarda Síochána agus na deacrachtaí a bhí le sárú ag an eagraíocht le géilliúlacht do na dualgais sin a chinntiú.

I litir den 28 Aibreán, thug an Garda Síochána le fios go raibh céimeanna á nglacadh le cinntiú go mbeifí ag cloí leis na dualgais reachtúla teanga sa chás seo. Dearbhaíodh go mbeadh ceathrar comhalta den Gharda Síochána le líofacht i nGaeilge ar dualgas i Stáisiún an Bhun Bhig/Doirí Beaga go luath ina dhiaidh sin. Tá an chomhfhreagras sin ag **AGUISÍN B** leis an tuarascáil seo.

Bheartaigh mé ag an tráth sin an t-imscrúdú a chur ar leataobh go sealadach le deis a thabhairt don Gharda Síochána plean a ullmhú a chinnteodh go mbeadh na comhaltaí a bheadh lonnaithe ansin i Stáisiún an Bhun Bhig/Doirí Beaga inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall.

Mhol mé go bhfillfidh ar an ábhar faoi dheireadh mhí Lúnasa leis an scéal a mheas arís. Gan mhoill ina dhiaidh sin rinne an gearánach teagmháil arís liom le rá go raibh cuairt eile tugtha aige ar an stáisiún Gardaí agus arís nach raibh sé ar chumas aon duine de na comhaltaí a bhí ar fáil plé leis i nGaeilge.

Mhínigh mé don ghearánach gur tugadh le fios don imscrúdú go raibh méid áirithe comhaltaí le Gaeilge anois ar dualgas sa stáisiún. Lorg m'Oifig ainmneacha na gcomhaltaí sin lena dtabhairt don ghearánach ar an 2 Meitheamh 2011 ach thóg sé go dtí 19 Iúil 2011 don Gharda Síochána an liosta a sholáthar ar facs. Tá an chomhfhreagras sin mar **AGUISÍN C** leis an tuarascáil seo. Triúr comhalta le Gaeilge a bhí i gceist anois mar go raibh duine den cheathrar a bhí luaite cheana tar éis aistriú idir an dá linn go stáisiún eile de thoradh ar chomórtas ardú céime.

D'fhill an ghearánach orainn ag tabhairt le fios go ndearna sé iarracht amháin eile seirbhís i nGaeilge a fháil sa stáisiún ach go raibh teipthe arís air. Dúirt sé go raibh sé sásta coinne a dhéanamh chuige sin agus is trí idirghabháil na hOifige seo amháin a socraíodh an coinne sin le Garda le Gaeilge.

Idir an dá linn, bhí litir faighte ag m'Oifig ar an 3 Meitheamh ó Choimisinéir Cúnta de chuid an Garda Síochána ag tairiscint go ndéanfaí socraithe le freastal ar an ngearánach trí Ghaeilge. Tá an litir sin mar **AGUISÍN D** leis an tuarascáil seo.

Chinn údaráis an Gharda Síochána faoin am seo freagracht as riaradh polasaí Gaeilge na h-eagraíochtaí agus an t-idir-chaidreamh linne a aistriú ó Bhaile Átha Cliath go dtí an Coimisinéir Cúnta d'Iarthair na hÉireann atá lonnaithe i nGaillimh. Chuir an t-athrú sin roinnt moille ar chúrsaí.

Chas an Coimisinéir Cúnta sin agus ionadaithe eile ón Gharda Síochána liom ar an 20 Meán Fómhair 2011. Pléadh dualgais reachtúla teanga na nGardaí go ginearálta, san áireamh an t-imscrúdú. Aontaíodh go gcuirfeadh an Garda Síochána tuairisc i scríbhinn ar fáil maidir leis an dul chun cinn a bhí déanta i gcás Stáisiún an Bhun Bhig/Doirí Beaga agus na céimeanna a bhí á nglacadh leis an cheist a réiteach.

Ar an 28 Deireadh Fómhair, fuair an t-imscrúdú litir ón gCoimisinéir Cúnta, atá mar **AGUISÍN E** leis an tuarascáil seo, ag iarraidh eolais faoi stádas an ghearáin agus ag fiosrú an raibh aon eolas bhreise de dhíth maidir leis an chás. Freagraíodh an litir sin ar an lá céanna, ag tabhairt le fios go beacht cén t-eolas a bhí de dhíth.

Ar an 16 Samhain 2011, toisc nach raibh aon eolas breise faighte, cuireadh in iúl don Gharda Síochána ó bhéal go raibh cinneadh déanta agam an t-imscrúdú á thabhairt go ceann scríbe agus tuarascáil críochnúil a eisiúint ina leith gan mhoill. Glacadh leithscéal as an mhoill eolas a sholáthar agus iarradh i litir dar dáta 21 Samhain 2011 ón nGarda Síochána (atá mar **AGUISÍN F** leis an tuarascáil seo) síneadh ama go dtí 14 Nollaig 2011 le tuairisc bhreise a sholáthar don imscrúdú. Ar an dáta sin, fuair an t-imscrúdú tuairisc scríofa ón nGarda Síochána, atá mar **AGUISÍN G** leis an tuarascáil seo.

Tá dualgas orm mar Choimisinéir Teanga in aon chás ina sheolaim imscrúdú faoi Acht na dTeangacha Oifigiúla tuarascáil i scríbhinn a ullmhú agus a chur faoi bhráid an chomhlachta phoiblí lena mbaineann, faoi bhráid an Aire Ealaíon, Oidhreacht agus Gaeltachta, agus i gcás ina ndéantar gearán liom, faoi bhráid an ghearánaigh, maidir le fionnachtana an imscrúdaithe agus féadaim aon mholtaí is cuí ag féachaint don imscrúdú a áireamh sa tuarascáil. Tugadh aird chuí agus rinneadh meá cúramach ar a raibh le rá ag an nGarda Síochána le linn an imscrúduithe in ullmhú leagan críochnaitheach na tuarascála seo.

CAIBIDIL 2

Freagra an Gharda Síochána

I litir dar dáta 31 Márta 2011, thug An Garda Síochána léargas cuimsitheach don imscrúdú ar a sheasamh i leith an ábhair. Tá an tuairisc sin ar fáil mar **AGUISÍN A** leis an tuarascáil seo.

Thug an Gharda Síochána le fios sa bhfreagra seo nár ghlacadar leis go raibh fo-alt 33(2) á sháru sa chás seo, mar go raibh an choinníoll ‘*a mhéid is indéanta*’ mar chuid den bhfo-alt sin. Thugadar le fios go raibh beartas chun comhaltaí le Gaeilge a leithdháileadh ar cheantair Ghaeltachta i bhfeidhm le blianta fada roimh d’Acht an Gharda Síochána 2005.

Cuireadh an t-imscrúdú ar an eolas faoi “bheartais eagraíochtúil” a bhfuil impleachtaí acu do leithdháileadh comhaltaí, agus tá na beartais seo le feiceáil ar leathanach 2 d’**AGUISÍN A** leis an imscrúdú seo.

Níor ghlac an Garda Síochána leis go raibh sárú ach an oiread ar an dualgas teanga ar an ábhar seo atá leagtha síos i scéim teanga an Gharda Síochána nuair a gealltar: *“beidh gach comhalta a leithdháilfear ar stáisiúin sa Ghaeltacht cuícháilithe sa Ghaeilge.”*

Tugadh le fios don imscrúdú nach mór do *“gach comhalta dianchlár oiliúna Gaeilge a chríochnú i gColáiste an Gharda, clár a chuimsíonn 63 uair an chloig de ranganna teagaisc Gaeilge. Ag deireadh an chláir sin ní mór do gach comhalta dul faoi scrúdú béil Gaeilge sula bhfianaítear iad isteach san eagraíocht.”*

Cuireadh in iúl don imscrúdú go bhfuil an Garda Síochána tiomanta go hiomlán dá oibleagáidí faoina scéim teanga agus go raibh iarracht á dhéanamh chun cúrsaí i Stáisiún an Bhun Bhig/Doirí Beaga a fheabhsú. *“Tá comhaltaí atá inniúil sa Ghaeilge á lorg ó stáisiúin ar fud na tíre le cúpla seachtain anuas agus leithdháileadh comhalta amháin díobh sin ó shin ar pháirtí stáisiúin Stáisiún Garda an Bhuna Bhig. Tá an dara comhalta atá inniúil sa Ghaeilge á aistriú go Stáisiún an Bhuna Bhig i láthair na huaire. Dá bhrí sin tá triúir cainteoir Gaeilge i Stáisiún an Bhuna Bhig i láthair na huaire agus ní fada go mbeidh an ceathrú cainteoir Gaeilge ann. Ní mór don Gharda Síochána na hacmhainní atá ar fáil a athlonnú laistigh den eagraíocht ar aon dul le héilimh phóilíneachta ar fud an Stáit”* a dúradh.

Tugadh le fios don imscrúdú go bhfuil *“teorainn le líon na gcainteoirí Gaeilge a fhéachann le dul chuig stáisiúin i nGaeltacht Dhún na nGall agus is é chéad dualgas na heagraíochta seirbhís phóilíneachta a chur ar fáil don phobal.”*

Cuireadh in iúl don imscrúdú go dtabharfaí léargas níos faide anonn sa litir ar an mbealach ina raibh sé ar intinn ag an nGarda Síochána líon na gcomhaltaí le inniúlacht sa Ghaeilge a mhéadú i Stáisiún an Bhun Bhig/Doirí Beaga agus i stáisiúin eile Gaeltachta.

Dearbhaíodh don imscrúdú go raibh an leibhéal riachtanach inniúlachta sa Ghaeilge ag 100% de na comhaltaí i stáisiúin i nGaeltacht na Gaillimhe, agus dúradh gur olc nach ionann an chás i Stáisiún an Bhun Bhig/Doirí Beaga.

Dearbhaíodh chomh maith go raibh 11 comhalta lonnaithe i Stáisiún an Bhun Bhig/Doirí Beaga agus tugadh na dátaí ar a thosaigh gach comhalta acu ar dhualgas sa stáisiún – idir Lúnasa 2003 agus Márta 2011.

Cuireadh in iúl go raibh an leibhéal riachtanach inniúlachta ag beirt den ceathrar a leithdháileadh ar an stáisiún ó lasmuigh den Roinn ó thús na scéime teanga. Tugadh le fios cé gur leithdháileadh triúir eile ar an stáisiún le linn na tréimhse sin go raibh *“na comhaltaí sin bunaithe sa réigiún Gaeltachta sin cheana féin agus aistríodh iad laistigh den cheantar de réir riachtanais phóilíneachta na heagraíochta”*.

Dúradh go raibh comhalta eile a bhí inniúil sa Ghaeilge á aistriú chuig an stáisiún ag an am sin agus go mbeadh ceathrar cainteoir Gaeilge sa stáisiún tar éis don comhalta sin a bheith aistrithe ann.

Maidir leis an mbealach ina raibh sé ar intinn ag an nGarda Síochána líon na gcomhaltaí a bheadh inniúil go leor sa Ghaeilge a mhéadú sa stáisiún agus i stáisiúin eile Gaeltachta, bhí an méid seo le rá:

“Tá dhá chúrsa Gaeilge á reáchtáil ag an eagraíocht ar bhonn píolótach i láthair na huaire chun scileanna Gaeilge na gcomhaltaí a fheabhsú. Tá ceann amháin de na cúrsaí seo dírithe go sonrach ar chomhaltaí atá lonnaithe i gceantair Gaeltachta. Tá an cúrsa píolótach sin ar siúl i nGaeltacht na Gaillimhe chun curaclam an chúrsa a thástáil. Clár dhá sheachtain déag atá sa chúrsa, agus ranganna seachtainiúla atá i gceist. A luaithe a bheidh an clár píolótach tugtha chun críche go rathúil breithneofar ar chóir an cúrsa sin a sholáthar ar bhonn náisiúnta ag tosú i nGaeltacht Dhún na nGall.”

“Tá an Garda Síochána lánchinnte go gcabhróidh an cúrsa seo le comhaltaí atá lonnaithe cheana féin i gceantair Ghaeltachta an leibhéal riachtanach inniúlachta a bhaint amach chun gur féidir leo a gcuid dualgas a dhéanamh trí Ghaeilge.

Cúrsa lae amháin is ea an dara clár oiliúna agus is i lár Bhaile Átha Cliath atá an clár píolótach á reáchtáil. Cuirfidh sé ábhar ar fáil do chomhaltaí ar mian leo snas a chur ar a gcuid Gaeilge.

Ag an gcuininníu a reáchtáladh i m’Oifig ar an 12 Aibreán 2011 ar iarratas ón nGarda Síochána, thug an Coimisinéir Cúnta de chuid an Garda Síochána cur síos ar na deacrachtaí a bhí ann i dtaca le dáileadh comhaltaí de bharr an titim ar líon na gcomhaltaí agus fadhbanna daonna maidir le clann a bhogadh ó cheantar go ceantar. Dhearbhaigh sé go raibh marc 80% nó níos mó sa Ghaeilge de dhíth le go gcuirfí duine ar dhualgas i gceantar Gaeltachta, ach nach bhféadfaí comhaltaí a leithdháileadh ar a gceantair dúchais, agus dá bhrí sin nach bhféadfaí comhaltaí den Gharda Síochána ar chainteoirí dúchais iad as Gaoth Dobhair a chur ar dualgas sa cheantar. Thug sé le fios, áfach, go bhféadfaí an cheist a réiteach thar tréimhse ama.

Pléadh chomh maith an choimhlint idir dualgais teanga a bhí daingnithe faoi scéim teanga an Gharda Síochána agus dualgais faoi Acht an Gharda Síochána, 2005.

I bhfianaise an phlé a bhí déanta thug mé le tuiscint go bhféadfainn an t-imscrúdú a chur ar leataobh go sealadach fad is bhí plean á chur le chéile a chinnteodh go mbeadh na comhaltaí sin den Gharda Síochána a bheadh ar stáisiún ar an Bhun Beag/Doirí Beaga inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall.

Sa litir a gealladh de thoradh na cruinnithe sin, atá mar **AGUISÍN B** leis an tuarascáil seo, dhearbhaigh Coimisinéir Cúnta an Garda Síochána athuair tiomantas an Gharda Síochána don Ghaeilge agus léirigh sé inní go dtiocfadh ball don phobal chomh fada le stáisiún Ghaeltachta de chuid an Garda Síochána agus nach bhfaighidís an cineál seirbhíse a bhí uathu. Thug an Choimisinéir Cúnta soiléiriú ar an treoirchlár Ghaeilge a bhí á reáchtáil do Ghardaí atá lonnaithe i stáisiúin Gaeltachta.

Dheimhnigh an Coimisinéir Cúnta an méid atá sa treoir inmheánach i dtaca le ceapacháin a dhéanamh do stáisiúin Gaeltachta agus dúirt *“Dearbhaím duit go bhféachtar ar an riachtanas mar riachtanas fíorthábhachtach nuair a bhíonn gardaí á imlonnú ar stáisiún ar bith sa Ghaeltacht. I gcásanna nuair nach mbíonn go leor gardaí inniúla ar fáil imlonnaítear gardaí a fuair céatadán níos ísle ná sin chun an póilíníú riachtanach a chur ar fáil. Tá sé sin faoi athbhreithniú an t-am ar fad agus táim aireach ar an gcomhrá a bhí againn. Roimhe seo, tá béim leagtha agam, leis, ar an ngá atá le beannú do dhaoine i nGaeilge, nuair is féidir, nuair a bhítear ag obair i gceantair Ghaeltachta. Léiríú is ea an sampla a thug tú de bheith ag déileáil le daoine óga ag seicphointí agus i gcásanna eile ina mbíonn ról údarásach ag gardaí ar fud na réigiúin Gaeltachta.”*

Thug an Coimisinéir Cúnta le fios gurb é a bhí ón nGarda Síochána ná géilleadh go hiomlán do na riachtanais reachtúla agus iad a sháru, *“toisc go n-aithníonn an Garda Síochána tábhacht na Gaeilge agus an chultúir Ghaelaigh.”* Thug sé le fios go raibh sé i measc na ngealltanais eile a thug an Coimisinéir maidir leis an nGaeilge *“go leanfadh an Garda Síochána air ag lorg iarratasóirí oiriúnacha do Stáisiún an Bhuna Bhig.”*

Dhearbhaigh an Coimisinéir Cúnta go labhródh sé le bainistíocht an Gharda i gceantair Ghaeltachta le bheith cinnte go dtuigfidís tábhacht an ábhair, agus dúirt sé go raibh súil aige go mbainfi *“an tseirbhís feabhsaithe amach ag comhcheangail na hoiliúna atá beartaithe, roghnóireacht foirne i gcomhar le bainistíocht áitiúil.”*

Dhearbhaigh an Coimisinéir Cúnta athuair i litir den 2 Meitheamh tiomantas an Garda Síochána do na forálacha reachtúla maidir le húsáid na Gaeilge. Tá an litir sin mar **AGUISÍN D** leis an tuarascáil seo. Léirigh sé inní athuair nár cuireadh seirbhís cuí ar fáil don ghearánach agus thairg sé go mbuailfeadh duine leis ag am a d’oirfeadh leis an tsaincheist gnó a thug air cuairt a thabhairt ar an stáisiún a réiteach trí mheán na Gaeilge.

Ar an 19 Iúil, de thoradh ar theagmhálacha ó m’Oifig ag cur in iúl go raibh an gearánach tar éis cuairt eile a thabhairt ar an stáisiún i dtús an Mheithimh agus gur theip air seirbhís i nGaeilge a fháil athuair, fuair an t-imscrúdú litir ar facs ón nGarda Síochána, atá mar **AGUISÍN C** leis an imscrúdú seo.

Thug an Coimisinéir Cúnta le fios go raibh *“gach comhalta den Gharda Síochána atá lonnaithe i Stáisiún an Bhuna Bhig/na nDoirí Beaga tar éis pas a fháil sa tástáil Éifeachtúlachta Béil Gaeilge a rinneadh istigh i gColáiste an Gharda Síochána.”* Cuireadh in iúl go raibh triúir comhaltaí tar éis 70% nó os a chionn a ghnóthú sa scrúdú sin ach gur éirigh leis an gceathrú comhalta a raibh marc sa bhreis ar 70% i gcomórtas don phost mar Oifigeach Idirchaidrimh d’Ógchiontóirí agus go raibh sé anois lonnaithe i Leitir Ceannainn.

Dúradh go raibh comhalta amháin eile go raibh an 70% nó os a chionn gnóthaithe aici ach nach bhféadfaí í a lonnú sa stáisiún de bharr chomh gar is atá an stáisiún dá h-áit dúchais.

Tagraíodh arís don chúrsa Gaeilge a bhí á bheartú agus tugadh ainmneacha an triúir Garda a bhí lonnaithe sa stáisiún agus a raibh céatadán níos mó ná 70% bainte amach acu sa scrúdú béil Gaeilge.

Dearbhaíodh go gcuirfí cuntas i scríbhinn ar fáil i ndeireadh mhí Lúnasa agus moladh go mbeadh cruinniú eile ann i lár mhí Mheán Fómhair. Tugadh le fios go raibh freagracht i leith gearáin faoi shárú ar fhorálacha reachtúla teanga á aistriú ó Cheannáras an Gharda Síochána i mBaile Átha Cliath go dtí oifig an Choimisinéara Cúnta do Réigiúin an Iarthair, atá lonnaithe i nGaillimh.

Ar an 26 Iúil, rinne an gearánach teagmháil le m'Oifig agus chuir sé in iúl go ndeachaigh sé ar ais arís chuig Stáisiún an Bhun Bhig/Doirí Beaga ach nach raibh sé in ann seirbhís a fháil trí Ghaeilge arís. Is trí idirbheartaíocht na hOifige seo amháin a socraíodh coinne do chruinniú idir an gearánach agus Garda le Gaeilge sa stáisiún sin.

Rinne m'Oifig teagmháil leis an nGarda Síochána ar bhonn rialta ó thús Mheán Fómhair ag lorg cóip den tuairisc a bhí geallta. Cé nár cuireadh aon tuairisc scríofa ar fáil, socraíodh cruinniú a reáchtáil ar 20 Meán Fómhair. D'fhreastal an Coimisinéir Cúnta do Réigiúin an Iarthair agus oifigigh eile ar an gcruinniú sin i m'Oifig.

Tugadh soiléiriú don chruinniú ar ábhar an imscrúduithe agus dearbhaíodh go raibh an t-imscrúdú curtha ar leataobh go dtí sin le deis a thabhairt don Gharda Síochána plean a chur le chéile a chinnteodh go mbeadh an eagraíocht géilliúil don reachtaíocht laistigh d'achar réasúnta ama. Míníodh don chruinniú gurb é a bhí de dhíth ná tiomantas leis an cheist a réiteach, nach gceapfaí comhaltaí gan an inniúlacht chuí Gaeilge chuig an stáisiún san idirlín agus plean a thabharfadh léiriú diongbháilte go réiteofaí an scéal in iomláine.

Ar an 28 Deireadh Fómhair, fuair m'Oifig litir ón gCoimisinéir Cúnta, atá mar **AGUISÍN E** leis an tuarascáil seo, ag lorg deimhniú maidir le stádas an ghearáin agus ag fiafraí cén t-eolas breise a bhí ag teastáil ón nGarda Síochána. Sheol m'Oifig freagra láithreach, ag tabhairt le fios gurb é a bhí ón imscrúdú ná tuairisc ón nGarda Síochána ar an dul chun cinn a bhí déanta ón 12 Aibreáin, dáta an chéad cruinnithe agus aon phlean, dá mba ann dó, le géilliúlacht an Gharda Síochána do na forálacha reachtúla teanga a chinntiú i gcás Stáisiún an Bhun Bhig/Doirí Beaga.

Tháinig litir eile ón nGarda Síochána, atá mar **AGUISÍN F** leis an tuarascáil seo, ar an 21 Samhain 2011. Sa litir seo, chuir an Coimisinéir Cúnta in iúl go raibh sé i dteagmháil ar bhonn leanúnach leis an gCoimisinéir Cúnta, Bainistíocht Acmhainní Daonna faoin dul chun cinn a bhí déanta maidir le comhlíonadh na hoibleagáid reachtúil a bhí i gceist san imscrúdú. Dúirt an Coimisinéir Cúnta, Réigiúin an Iarthair gurbh cúis aiféala dó *“go bhfuil an caidreamh seo ag dul ar aghaidh ar bhonn leanúnach anois agus tá a fhios agam go bhfuil sé d'iachall ar An nGarda Síochána cabhrú leat an fiosrú seo a dhúnadh.”*

D'iarr an Garda Síochána go gceadófaí síneadh ama go dtí an 14 Nollaig 2011 leis an méid sin a chur i gcrích.

Ina bhfreagra críochnúil den 14 Nollaig, atá mar **AGUISÍN G** leis an tuarascáil seo, bhí an méid seo le rá ag an gCoimisinéir Cúnta mar réiteach ar an chás i Stáisiún an Bhun Big/Doirí Beaga:

- (a) *“Tá gach comhalta den Gharda Síochána tar éis oiliúint a fháil sa Ghaeilge mar chuid dá gcuraclam oiliúna i gColáiste an Gharda Síochána,*
- (b) *Liostáiltear mionliosta de na cainteoirí líofa Gaeilge ar fad taobh istigh den Gharda Síochána (idir Ghardaí agus Sibhialtaigh) ar Thairseach an Gharda Síochána, mar eolas do gach comhalta san eagraíocht,*
- (c) *Forordaíonn alt 33 d’Acht an Gharda Síochána, 2005 go gcinnteoidh Coimisinéir an Gharda Síochána, chomh praiticiúil agus is féidir é, go mbeidh dóthain inniúlachta Gaeilge ag comhaltaí d’eagraíocht an Gharda atá lonnaithe i gceantar a fholaíonn limistéir Gaeltachta chun a ndualgais a chomhlíonadh,*
- (d) *Ar aon dul leis an riachtanais réamhráite, rinne an Garda Síochána forbairt air agus thug siad isteach i 2009 Clár Gaeilge, ‘Scéim 2009-2012’ faoi alt 11 d’Acht na dTeangacha Oifigiúla 2003, chun barr feabhais a chur ar sheirbhísí reatha Gaeilge atá á soláthar ag an eagraíocht. Soláthróidh alt 11 den Acht d’ullmhú Scéim Reachtuil a shonraíonn seirbhísí den Gharda Síochána, (mar chomhlacht phoiblí),*
- Trí mheán na Gaeilge,*
 - Trí mheán an Bhéarla,*
 - Trí mheán na Gaeilge agus an Bhéarla.*
- (e) *Mar chuid de Scéim Feidhmithe na Gaeilge tá gach Oifigeach Roinne Garda tar éis Cigire a ainmniú chun feidhmiú na Gaeilge a chomhordú ar leibhéal na Roinne, agus chun monatóireacht a dhéanamh ar an méid atá bainte amach i gcoinne an méid sonrach a bhí geallta a bhí leagtha síos sa scéim seo, agus a thuairiscíú d’Oifigeacht Idirchaidrimh Gaeilge na Roinne.*
- Is é feidhm na nOifigeach Idirchaidrimh ná cuidiú le feidhmiú struchtúrtha na Scéime seo de réir mar atá ordaithe ag Coiste um Fheidhmiú Beartas na Gaeilge. Cinntíonn an Coiste um Fheidhmiú Beartas na Gaeilge go bhfuil miontuairiscí tugtha don fhoireann agus go scaiptear nuachtlitreacha taobh istigh den eagraíocht chun feasacht ar na dtiomantas atá mar chuid den scéim aontaithe a chinntiú.*
- (f) *Tá Coiste an Gharda Síochána um Fheidhmiú na Gaeilge tar éis bualadh leis an gCeannfort sna Gleannta, Contae Dhún na nGall a bhfuil freagracht aige as Stáisiún Garda an Dhúin Bhig (sic) chun meas ar an tábhacht a bhaineann le fáil a bheith ar chainteoirí Gaeilge go huile agus go hiomlán. Tá gealltanais tugtha don Choiste go bhfuil cainteoirí Gaeilge a bhfuil inniúlacht acu ar fáil sna ceantair chun gnó a dhéanamh leis an bpobal trí mheán na Gaeilge. Tá an Cigire ainmnithe freagrach as a chinntiú go bhfuil an feasacht seo coinnithe ar fud Roinn Dhún na nGall.*
- (g) *Tá comharthaí dátheangacha ar fáil sna stáisiúin Garda Gaeltachta chun comhairle a thabhairt go gcuirfear comhalta a bhfuil Gaeilge aige nó aici ar fáil, i gcás nach bhfuil inniúlacht sa Ghaeilge ar an bpointe boise ag comhalta atá i mbun gnó.*

(h)

- (i) *Le barr feabhais a chur ar chumas Gaeilge ghlac Gardaí páirt riamh in oiliúint Ghaelagras agus le gairid anuas bhí clár ar leith Gaeilge an Gharda Síochána tar éis a bheith déanta i Rosmuc, Contae na Gaillimhe i gcomhar le hOllscoil na hÉireann, Gaillimh. Tá tuilleadh oiliúna Gaeilge á phíolótú i nGaeltacht na Gaillimhe agus táthar ag súil í a rolladh amach go Dún na nGall go gairid nuair a bheas maoiniú ar fáil. Scrúdóidh an Coiste modhanna eile oiliúna go huile agus go hiomlán. Tá tábhacht lárnach ag an nGaeilge agus maidir leis seo tá an riachtanais chun tuilleadh barr feabhais a chur ar oiliúint á scrúdú go huile agus go hiomlán. In aeráid eacnamaíochta reatha áfach ní foláir an riachtanas seo a bheith cothromaithe i gcoinne éilimh atá i gcomórtas leis i dtimpeallacht reatha athraithe tapaidh.*
- (j) *Lonnaithe sa Bhun Bhig faoi láthair tá naoi comhaltaí den Garda Síochána. D'éirigh leis na comhaltaí seo pas a fháil sa scrúdú éifeachtúil béil gaeilge a bhí le déanamh acu i rith an tréimhse traenáil sa Teampall Mór. Anuas air sin, tá tuairim is 100 Garda trasna Roinn Dhún na nGall atá tar éis iad féin a chur ar fáil feidhmiú trí mheán na Gaeilge de réir mar atá gá leis.*
- (k) *Nuair a chuirfear deireadh leis an moratorium earcaíochta agus nuair a bheas Gardaí nua promhaidh ar fáil, lonnófar iad siúd a bhfuil na scileanna is mianta acu trasna an stáit de réir riachtanais agus déanfar meas go huile agus go hiomlán ar riachtanais teanga do limistéir Gaeltachta ó thaobh sé seo de. Ní mór cuimhneamh go ndéanann Coimisinéir an Gharda Síochána iarracht Gardaí a dháileadh chun tairbhe is mó is indéanta poiblí d'fhonn soláthar na seirbhíse is fearr a chinntiú i ngach áit a fud na tíre."*

Bhí mé den tuairim, ag an bpointe sin, go raibh an t-eolas cuí ar fad agam le teacht ar fhionnachtana agus ar mholtaí san imscrúdú seo.

CAIBIDIL 3

Osradharc ar an Imscrúdú

Baineann an t-imscrúdú seo le dhá fhoráil reachtúil: fo-alt 33(2) d'Acht an Gharda Síochána 2005 agus fo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003, fad is a bhaineann sé le fo-alt 3.11 de scéim teanga an Gharda Síochána, 2009-2012.

An bhuncheist atá le freagairt ná an bhfuil sárú déanta ag Coimisinéir an Gharda Síochána ar na dualgais reachtúla sin trí chomhaltaí den Gharda Síochána nach bhfuil inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall a bheith ar stáisiún i ndúiche ina bhfuil limistéar Gaeltachta, mar atá, Stáisiún Gardaí an Bhun Bhig/Doirí Beaga, [Gaoth Dobhair,] Co. Dhún na nGall.

Is cuid de dhúiche Gardaí na Gleannta é fo-dhúiche an Bhun Bhig/Doire Beaga i Roinn Dhún na Gall de chuid an Gharda Síochána. Aithnítear paróiste Ghaoth Dobhair ar cheann de na limistéar Gaeltachta is láidre i nDún na Gall agus sa tír.

Alt 33(2)

Tá an fhoráil in fo-alt 33(2) d'Acht an Gharda Síochána, soiléir:

“Déanfaidh Coimisinéir an Gharda Síochána, a mhéid is indéanta, a chinntiú go mbeidh comhaltaí den Gharda Síochána a bheidh ar stáisiún i ndúiche ina bhfuil limistéar Gaeltachta inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall.”

Ní foráil úr reachtúil í seo sa mhéid is go raibh a leithéide i gceist i reachtaíocht bunaidh an Gharda Síochána ó Acht na bliana 1924 i leith:

“Na hoifigigh agus na fir a stáisiúnfar i gceanntar ina mbeidh líomatáiste ina bhfuil an Ghaedhilg i ngnáth-úsáid beidh acu, chó fada agus is féidir é, an oiread san eolais ar an nGaedhilg is a chuirfidh ar a gcumas i d'úsáid go saoráideach mar shlí chonbharsáide i gcó-líona a ndualgaisí.” [Fo-alt 6(2) Acht an Gharda Síochána 1924.]

Ar Choimisinéir an Gharda Síochána a leagtar an dualgas atá i gceist i bhfo-alt 33(2) d'Acht an Gharda Síochána 2005. Caithfidh an Coimisinéir a chinntiú, a mhéid is indéanta, gur comhaltaí den fhórsa leis an caighdeán sonraithe Gaeilge a bheidh ar stáisiún i ndúiche ina bhfuil limistéar Gaeltachta.

Baineann an ceangal le ‘dúiche’, sé sin aonad riaracháin de chuid an Gharda Síochána ar gnáth go mbíonn Ceannfort i gceannas air agus ar cuid é de roinn de chuid an Gharda Síochána.

Is léir go n-éilíonn an fhoráil seo cumas nó líofacht ar leith sa Ghaeilge atá difriúil ón gcumas a bheadh ag an gnáth-Gharda. Caithfidh na comhaltaí sin a thagann faoi bhrí na míre seo den reachtaíocht a bheith inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall. Feictear dom go gciallaíonn seo go gcaithfidh líofacht sa teanga a bheith ag na comhaltaí sin más gá dóibh a bheith inniúil go leor chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall. Ciallaíonn sin go mbeadh siad ábalta an teanga a úsáid gan deacracht ná stró agus iad ag comhlíonadh a ndualgas.

Ní dualgas iomlán neamhchoinníollach é seo, áfach: tá sé curtha mar theorainn leis an dualgas gur gá don Choimisinéir cloí leis ‘*a mhéid is indéanta*’. Mura bhfuil an Coimisinéir chun cloí leis an dualgas seo i gcás nó i gcásanna áirithe chaithfeadh sé a bheith ábalta a léiriú go ndearna sé iarracht cloí leis ‘*a mhéid is indéanta*’.

Feictear dom go gciallóinn sin go ndéanfaidh sé iarracht ghníomhach an dualgas a chomhlíonadh ach ar chúinsí ar leith nach raibh sin indéanta, nó i bhfocail eile go raibh sé dodhéanta.

Fo-alt 3.11 de Scéim Teanga An Gharda Síochána

Tá foráil reachtúil teanga eile i gceist anseo freisin, mar atá, an gealltanais reachtúil atá tugtha in fo-alt 3.11 de Scéim Teanga An Gharda Síochána 2009-2012: ‘*Beidh ag gach pearsanra a leithdháilfear ar stáisiúin i gceantair Ghaeltachta na cáilíochtaí riachtanacha sa Ghaeilge*’. Tháinig an gealltanais reachtúil sin i bhfeidhm ó thús na scéime teanga ar 28 Bealtaine 2009 agus tá dualgas de réir fo-alt 18(1) d’Acht a dTeangacha Oifigiúla na gealltanais atá daingnithe i scéim teanga a chur i gcrích.

Tá foráil eile in alt 3.11 den scéim teanga a bhaineann leis an nGaeltacht nár mhiste a lua, lena chur as an áireamh:

“Tairgfear deis do dhaoine atá lonnaithe sna ceantair sin cheana féin na cáilíochtaí riachtanacha a fháil sa Ghaeilge.”

Tréimhse ama le haghaidh cur i gcrích: Deireadh na Scéime seo. [27 Bealtaine 2012]

Tá coimhlint an-soiléir idir an fhoráil sin agus fo-alt 33(2) d’Acht an Gharda Síochána, 2005 sa mhéid is go gceadóidh foráil na scéime go lonnófaí Gardaí gan an inniúlacht chuí sa Ghaeilge i limistéar Gaeltachta agus go dtabharfaí tréimhse ama go 27 Bealtaine 2012 d’údarais an fhórsa deis a thairiscint dóibh inniúlacht sa Ghaeilge a bhaint amach. Ar ndóigh, ní chuirfeadh tairiscint na deise sin dualgas ar na comhaltaí sin den Gharda freastal ar chúrsa teanga nó go deimhin Gaeilge a fhoghlaim.

Creidim nach bhfuil amhras ar bith ann ach go bhfuil forlámhas nó ceannas ag an bhforáil i bhfo-alt 33(2) d’Acht an Gharda Síochána 2005 ar na gealltanais atá tugtha sa scéim teanga. Ní féidir le haon ghealltanais i scéim teanga leasú, maolú nó cealú a dhéanamh ar fhoráil reachtúil atá daingnithe i reachtaíocht ag an Oireachtas. Ag Tithe an Oireachtais, agus acusan amháin, atá an t-údarás leasú, maolú nó cealú a dhéanamh ar fhoráil in aon Acht.

Dá bhrí sin, níl aon chás ann go bhféadfaidh braith ar fhoráil sin na scéime mar thaca d’argóint nach mbeadh dualgas reachtúil ar Choimisinéir an Gharda Síochána a mhéid is indéanta comhaltaí den Gharda Síochána nach raibh inniúil go leor ar an Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgaís a chomhall a bheith ar stáisiún i ndúiche ina raibh limistéar Gaeltachta.

Fíricí

Tá na fíricí a bhaineann leis an imscrúdú seo soiléir go maith. Tháinig an gearánach – ar cainteoir dúchais Gaeilge ón Ghaeltacht é agus arbh í an Ghaeilge a rogha theanga – go dtí stáisiún na nGardaí i gceartlár na Gaeltachta ansin thart ar mheánlae ar an 24 Samhain 2010. Cé go raibh an Garda a bhí ar dualgas ansin múinte leis, dúirt sé leis nach raibh aon Ghaeilge aige le go mbeadh sé ar a chumas an gnó a dhéanamh sa teanga sin.

Nuair a rinne m’Oifig iarracht an cheist seo a réiteach trí chóras neamhfhoirmiúil réitithe gearáin na hOifige seo, chuir údaráis an Gharda Síochána in iúl nach raibh ach comhalta amháin as naonúr a bhí lonnaithe i Stáisiún na nGardaí ansin in ann cumarsáid a dhéanamh as Gaeilge go dtí caighdeán a chuirfeadh ar a gcumas déileáil le cuairteoirí chun an stáisiún, agus níor cuireadh aon mholtaí sonracha chun cinn a chinnteodh go mbeadh leigheas ar an scéal.

Le linn an phróisis imscrúdaithe, a bhfuil tuairisc iomlán tugtha air sa tuarascáil seo, bhí idir chumarsáid i scríbhinn agus cruinnithe éagsúla idir m’Oifig agus bainistíocht an Gharda Síochána.

Nuair a tugadh le fios don imscrúdú go raibh líon na nGardaí le Gaeilge sa stáisiún méadaithe go dtí tríúir (agus go mbeadh ceathrar ann go luath ina dhiaidh sin) chinn mé an t-imscrúdú a chur ar leataobh go sealadach le deis a thabhairt don Gharda Síochána tuilleadh dul chun cinn a dhéanamh agus a chinntiú go mbeadh géilliúlacht iomlán i gceist don dualgas reachtúil atá daingnithe i bhfo-alt 33(2) d’Acht an Gharda Síochána, 2005. Le linn na fionraíochta seo den imscrúdú bhí deis tugtha don Gharda Síochána plean a dhréachtú agus a fheidhmiú le cinntiú go mbainfí amach an sprioc gur Gardaí le Gaeilge a bheadh lonnaithe sa stáisiún Gaeltachta seo.

Ba léir dom ón tuairisc a tugadh dom ar 14 Nollaig 2011 nuair a d’fhilleamar ar an imscrúdú gur beag dul chun cinn a bhí déanta le géilliúlacht breise a chinntiú don dualgas reachtúil atá daingnithe i bhfo-alt 33(2) d’Acht an Gharda Síochána, 2005.

Go sonrach maidir le stáisiún Gardaí an Bhun Bhig/Doirí Beaga bhí an méid seo le rá:

“Tá Coiste an Gharda Síochána um Fheidhmiú na Gaeilge tar éis bualadh leis an gCeannfort sna Gleannta, Contae Dhún na nGall a bhfuil freagracht aige as Stáisiún Garda an Dhúin (Bhun) Bhig chun meas ar an tábhacht a bhaineann le fáil a bheith ar chainteoirí Gaeilge go huile agus go hiomlán. Tá gealltanais tugtha don Choiste go bhfuil cainteoirí Gaeilge a bhfuil inniúlacht acu ar fáil sna ceantair chun gnó a dhéanamh leis an bpobal trí mheán na Gaeilge....”

“Lonnaithe sa Bhun Bheag faoi láthair tá naoi comhaltaí den Garda Síochána. D’éirigh leis na comhaltaí seo pas a fháil sa scrúdú éifeachtúil béil gaeilge a bhí le déanamh acu i rith an treimhse traenáil sa Teampall Mór. ...”

Tugadh eolas freisin, *inter alia*, faoi chomharthaíocht i nGaeilge do stáisiún Gaeltachta chun a rá go gcuirfear comhalta a bhfuil Gaeilge aige nó aice ar fáil i gcás nach bhfuil inniúlacht sa Ghaeilge ar an bpointe boise ag comhalta atá i mbun gnó. Tugadh eolas fosta faoi chúrsaí oiliúna a bheadh ar fáil i nDún na nGall ‘nuair a bheas maoiniú ar fáil’ agus faoin aird a thabharfaí ar riachtanas Gaeilge i limistéir Gaeltachta nuair a bheadh Gardaí le lonnú ansin ‘nuair a bheadh deireadh leis an moratorium earcaíochta’.

Feictear dom nach leor ar chor ar bith a bhfuil sa tuairisc seo ón Gharda Síochána le dul i ngleic le croí na faidhbe, sé sin, foireann láidir Gardaí gan Gaeilge a bheith lonnaithe i gceartlár na Gaeltachta i nGaith Dobhair d'ainneoin na ndualgas reachtúil i bhfo-alt 33(2) d'Acht an Gharda Síochána 2005 agus fo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 fad is a bhaineann sé le fo-alt 3.11 de scéim teanga an Gharda Síochána, 2009-2012.

Ní leor ar chor ar bith a mhaíomh gur *'éirigh leis na comhaltaí seo pas a fháil sa scrúdú éifeachtúil béil Gaeilge a bhí le déanamh acu i rith an treimhse traenáil sa Teampall Mór'*. Seo an scrúdú céanna gur gá do gach Garda sa tír a dhéanamh le cáiliú do bhallraíocht sa bhfórsa. Bhí an scrúdú sin déanta agus an caighdeán sin bainte amach ag gach Garda den 9 a bhí lonnaithe ar an Bhun Beag/Doirí Beaga nuair a tháinig an gearán chun cinn don chéad uair agus admhaíodh go soiléir nach mbeadh 8 as an 9 sin ábalta déileáil le ball den phobal trí Ghaeilge. Is mór ar fad idir an cumas teanga sin agus an caighdeán a éilíonn fo-alt 33(2) den Acht: comhaltaí a bheith inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall.

Fiú Gardaí a bhain amach leibhéal marcanna 70% no 80% sa bhéalscrúdú Gaeilge agus iad ag fágáil an Ionaid Traenála ar an Teampall Mór níl aon fhaisnéis ann a léireodh gur gá go mbeadh an cumas acu an teanga sin a úsáid go saoráideach i gcomhlíonadh a ndualgais le baill den phobal i limistéar Gaeltachta blianta níos faide anonn.

Níl aon argóint déanta, agus glacaim leis nach féidir aon argóint dháiríre a dhéanamh, nach raibh dóthain Gardaí leis an inniúlacht riachtanach sa teanga ar fáil don Choimisinéir i measc an c.13,000 comhalta den fhórsa chun an dualgas reachtúil a bhain le fo-alt 33(2) den Acht a chomhlíonadh go h-iomlán agus go cuí. Go deimhin, deirtear i dtuairisc chuig an imscrúdú go raibh comhlíonadh 100% ar an fhoráil seo sna stáisiúin i nGaeltacht Chonamara, mar shampla.

Ní leigheas ar an scéal ach an oiread é tairiscint ar bhreis oiliúna i nGaeilge ag tráth éigin níos deirne chun an riachtanas reachtúil a chomhlíonadh.

Staid leochaileach na Gaeltachta

Tá staid reatha na Gaeilge mar theanga bheo an phobail sa Ghaeltacht faoi shíor-bhrú. Dúradh sa Staidéar Cuimsitheach Teangeolaíoch ar Úsáid na Gaeilge sa Ghaeltacht (2007) nach mairfeadh an teanga mar rogha-theanga an phobail níos mó na 20 bliain mura dtógfaí céimeanna ar leith.

Ní dócha go raibh stádas na teanga mar theanga pobail sa Ghaeltacht chomh leochaileach riamh agus atá sí anois. Ní féidir leis an Stát a bheith ag súil leis go mairfidh an Ghaeilge mar a rogha teanga ag an bpobal sa Ghaeltacht má leantar ag brú Béarla ar phobal na gceantar sin lena gcuid gnóthaí oifigiúla a dhéanamh.

Gach uair a dhiúltaítear an deis don phobal a dteanga dhúchais a roghnú agus iad i mbun cumarsáide leis an státchóras, is buille breise é sin do sheasamh agus d'inchreidteacht na Gaeilge mar theanga pobail.

Tá an cás níos measa fós nuair is duine nó daoine le húdarás ar leith atá i gceist agus iad ag feidhmiú thar cheann an Stáit.

Tábhacht an Gharda sa phobal

Tá tábhacht ar leith leis an nGarda Síochána mar dhaoine údarásach in aon phobal. Is minic go mbíonn seasamh ag baill an fhórsa i measc an phobail agus meas orthu. Géilltear d'údarás an Gharda agus bíonn sin níos suntasaí go minic, bhféidir, i bpobail tuaithe, san áireamh sna pobail Ghaeltachta.

Tá údarás reachtúil agus dlíthiúil ag an nGarda agus caithfidh an pobal géilleadh don údarás sin. Fágann sin nach gá i gcónaí go mbeadh cothromaíocht údaráis idir an Garda agus an duine lena bhfuil sé/sí ag déileáil nó go bhfuil siad ar chomhchéim nó ar chomhsheasamh.

Más gá don chainteoir dúchais Gaeilge sa Ghaeltacht géilleadh do rogha teanga an Gharda gan Gaeilge, tá míchothromaíocht breise á chothú. Más trí Bhéarla amháin is féidir an chumarsáid a dhéanamh i gcás den chineál sin tugtar teachtaireacht soiléir faoi thábhacht agus faoi stádais an Bhéarla i gcomparáid le tábhacht agus stádas na Gaeilge.

Daingnítear an t-easpa cothromaíocht teanga sin tuilleadh nuair is ag déileáil le h-ógánaigh a bhítear. Feictear an Béarla mar theanga an údaráis agus na cumhachta.

Is dócha gur chuige sin a cuireadh foráil ar leith reachtúil i reachtaíocht an Gharda Síochána chomh fada siar le 1924 le cinntiú go raibh cúram á dhéanamh do theanga an phobail sa Ghaeltacht. Athdhearbhaíodh sin chomh deirneach le 2005 le hAcht an Gharda Síochána 2005.

Bheidís ann freisin a mbeadh amhras orthu faoin éifeacht iomlán póilíneachta a bheadh ag comhaltaí d'fhórsa nach raibh príomhtheanga thromlach an phobail acu.

Sa bhreis ar sin, is léir go raibh sé mar pholasaí riamh ag an Stát, sé sin, ag gach Rialtas ó bunaíodh an Stáit, a chinntiú go dtiocfadh fás agus forbairt ar an nGaeilge sa Ghaeltacht. Níl aon chás ann gur féidir a mhaíomh go dtacódh sé nó gcabhródh sé leis an bpolasaí sin Gardaí gan Gaeilge a bheith ar dualgas i ndúiche ina bhfuil limistéar Gaeltachta. Tá fianaise dá mhalairt le fáil go flúirseach.

Ceisteanna údaráis

Sa bhreis ar an tionchar a bheadh ag Gardaí gan Gaeilge ar úsáid na teanga i bpobal Gaeltachta tá ceisteanna eile a thagann chun cinn a d'fhéadfadh a bheith ina ábhar amhrais cé go bhfuil siad lasmuigh de scóip an imscrúdaithe seo.

Dá mbeadh Garda curtha ar stáisiún i ndúiche ar leith ach go raibh sárú reachtúil i gceist sa chinneadh an comhalta a lonnú san áit sin, cén tionchar a bheadh ag an sárú sin ar údarás oifigiúil an Gharda a dhualgais oibre a chomhall? An n-éireodh le dúshlán cúirte i dtaca le bailíocht na hoibre a bheadh idir lámha ag an nGarda nó a údarás nó a húdarás feidhmiú go dlísteanach sa dúiche a cheistiú de bharr amhras faoi chomh dhleathach agus a bhí an chinneadh an comhalta a chur ar stáisiún ansin?

Ba dona an mhaise mura mbeadh an Stát ábalta dlí na tíre a chur i bhfeidhm go cothrom de bharr faillí den chineál sin, más ann dó, nó dá n-éalódh duine ón dlí dá thoradh. Ach is ceisteanna iadsan do fhóram eile seachas don imscrúdú seo.

Géilleadh don Dlí.

Bíonn an Garda Síochána ag súil go mbeadh an pobal ag cloí leis an dlí. Agus is léir go gcaithfidh an Garda Síochána féin géilleadh don dlí fosta. San áireamh sa dlí go gcaithfidh an Garda Síochána cloí leis, tá na forálacha ábhartha atá i gceist san imscrúdú seo: fo-alt 33(2) d'Acht an Gharda Síochána 2005 agus fo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 fad is a bhaineann sé le fo-alt 3.11 de scéim teanga an Gharda Síochána, 2009-2012.

Meabhraítear dom an méid a bhí le rá ag Hardiman Brmh. san athbhreithniú breithiúna sa Chúirt Uachtarach in *Ó Beoláin v. Fahy* [2001] 2 I.R. 279 nuair a dúirt sé:

"Leagann an Stát nua-aimseartha iliomad dualgas trom ar shaoránaigh i dtaca le gnéithe éagsúla den tsaol ó ghéilliúlacht i gcúrsaí cánach go dlí pleanála. Dualgais thuisiúla a ghlacann am agus atá costasach a chomhlíonadh cuid mhór den na dualgais seo ach is cuí é a bheith riachtanach iad a chomhlíonadh.

Mar an gcéanna caithfidh an Stát féin a dhualgais a chomhlíonadh, go háirithe iad siúd atá cumhdaithe sa Bhunreacht agus ní féidir é a chloisteáil ag gearán ach chomh beag leis an saoránach aonair gur dualgais thuisiúla, throma iad sin. Go háirithe, ní féidir an Stát a chloisteáil ag gearán gur de bharr nár chomhlíon sé a dhualgais le scór bliain anuas is breis atá deacracht níos mó aige na dualgais sin a chomhlíonadh anois."

Faighim mar chinneadh fíorais é de thoradh an imscrúdaithe seo go bhfuil comhaltaí den fhórsa gan an inniúlacht riachtanach sa Ghaeilge acu ar stáisiún sa Bhun Bhig/Doirí Beaga, atá i ndúiche ina bhfuil limistéar Gaeltachta. Is léir dom nár chinntigh Coimisinéir an Gharda Síochána a mhéid is indéanta gur Gardaí leis an inniúlacht riachtanach Gaeilge a chuirfí ar stáisiún ansin. Chuige sin, faighim gur sháraigh Coimisinéir an Gharda Síochána an dualgas reachtúil atá leagtha air i bhfo-alt 33(2) d'Acht an Gharda Síochána.

Sa bhreis ar sin ó tharla gur lonnaíodh cuid de na Gardaí gan an líofacht chuí Gaeilge i Stáisiún an Bhun Bhig/Doirí Beaga ón uair gur daingníodh an scéim teanga ar an 28 Bealtaine 2009 faighim freisin mar chinneadh fíorais é gur sháraigh an Garda Síochána freisin fo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 fad is a bhaineann sé le fo-alt 3.11 de scéim teanga an Gharda Síochána, 2009-2012.

Níl sé soiléir dom go bhfuil córas foirfe ag an nGarda Síochána le cumas teanga comhaltaí den fhórsa a mheas sula gcinntear iad a chur ar stáisiún i ndúiche ina bhfuil limistéar Gaeltachta. Ní leor mar thagairt-mharc na torthaí a fuair comhaltaí i scrúdú agus iad ag críochnú a gcúrsa traenála ar an Teampall Mór, b'fhéidir blianta roimhe sin. Is léir go bhfuil sé riachtanach le feidhmiú cuí na míre seo den reachtaíocht go mbeadh córas tástála teanga forbartha ag an nGarda Síochána le meastóireacht a dhéanamh ar líofacht comhaltaí a thagann faoi bhrí na míre seo den reachtaíocht le cinntiú go bhfuil siad inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall.

Is ag an tráth go mbeidís le cur ar stáisiún i ndúiche den chineál sin is gá an inniúlacht sin a thástáil. Ceadáítear don Gharda Síochána liúntas breise a íoc le Gardaí leis an líofacht Ghaeilge sin agus is léir gur mealladh nó spreagadh atá ansin le comhaltaí leis an inniúlacht sin a chúiteamh as an leibhéal breise scile atá acu, sé sin, a bheith ábalta feidhmiú go saoráideach i dhá theanga oifigiúil an stáit, Gaeilge agus Béarla.

Is ceart a bheith rí-shoiléir nach bhfuil aon locht phearsanta á fháil san imscrúdú seo ar na Gardaí aonair atá curtha ar stáisiún sa dúiche atá i gceist. Ní leosan a bhaineann an sárú reachtúil ach leis na húdaráis a bhí ag feidhmiú thar cheann Choimisinéir an Gharda Síochána agus a chinn iad a lonnú ansin gan an inniúlacht riachtanach Gaeilge.

Ní freagra ar bith é líon na nGardaí a laghdú sa cheantair agus gan seirbhís iomlán póilíneachta a sholáthar don phobal ansin. Níl le déanamh ach socraithe cuí a chur in áit le comhaltaí leis an inniúlacht riachtanach atá daingnithe sa reachtaíocht ag Tithe an Oireachtais a aithint agus a chur ar stáisiún le freastal go cuí ar an bpobal ina rogha teanga oifigiúil.

CAIBIDIL 4

Tuarascáil, Fionnachtana agus Moltaí

Tá dualgas orm mar Choimisinéir Teanga in aon chás ina seolaim imscrúdú faoi Acht na dTeangacha Oifigiúla tuarascáil i scríbhinn a ullmhú agus a chur faoi bhráid an chomhlachta phoiblí lena mbaineann, faoi bhráid an Aire Ealaíon, Oidhreachta agus Gaeltachta, agus i gcás ina ndéantar gearán liom, faoi bhráid an ghearánaigh, maidir le fionnachtana an imscrúdaithe agus féadaim aon mholtaí is cuí liom ag féachaint don imscrúdú a áireamh sa tuarascáil.

Fionnachtain an Imscrúdaithe

Is í seo a leanas fionnachtain an imscrúdaithe:

- Go bhfuil sárú déanta ag Coimisinéir an Gharda Síochána ar an dualgas reachtúil teanga atá daingnithe i bhfo-alt 33(2) d'Acht an Gharda Síochána 2005 trí comhaltaí den Gharda Síochána nach bhfuil inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall a bheith curtha ar stáisiún aige i ndúiche ina bhfuil limistéar Gaeltachta ar an Bhun Bhig/ Doirí Beaga, [Gaoth Dobhair,] Co. Dhún na nGall.
- Go bhfuil sárú déanta ag an nGarda Síochána ar an dualgas reachtúil atá daingnithe i bhfo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 fad is a bhaineann sé le fo-alt 3.11 de scéim teanga an Gharda Síochána 2009-2012 trí chomhaltaí gan na cáilíochtaí riachtanacha sa Ghaeilge a chur ar stáisiún ar an Bhun Bhig/ Doirí Beaga, [Gaoth Dobhair,] Co. Dhún na nGall ón uair gur daingníodh an scéim teanga ar 28 Bealtaine 2009.

Moltaí an Imscrúdaithe

Ag féachaint don imscrúdú is iad seo a leanas na moltaí atá á ndéanamh agam mar Choimisinéir Teanga:

- Go dtógfaidh Coimisinéir an Gharda Síochána gach céim riachtanach anois le géilliúlacht iomlán a chinntiú don dualgas reachtúil atá daingnithe i bhfo-alt 33(2) d'Acht an Gharda Síochána 2005 agus fo-alt 18(1) d'Acht na dTeangacha Oifigiúla 2003 fad is a bhaineann sé le fo-alt 3.11 de scéim teanga an Gharda Síochána, 2009-2012 maidir le comhaltaí den fhórsa a chur ar stáisiún ar an Bhun Bhig/ Doirí Beaga, [Gaoth Dobhair,] Co. Dhún na nGall agus go gcinnteoidh sé gur Gardaí atá inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall a bheidh ar dualgas ansin feasta.
- Gan dochar don dualgas iomlán atá i gceist anseo láithreach, go mbeidh géilliúlacht iomlán do na dualgais reachtúla teanga cuí bainte amach ag Coimisinéir an Gharda Síochána a luaithe agus is féidir ar bhonn céimnithe ach, ar a dhéanaí ar fad, laistigh de thréimhse naoi mí ó dháta na tuarascála seo fad is a bhaineann sé le stáisiún Gardaí an Bhun Bhig/ Doirí Beaga.
- Nach mbainfí leas as cinneadh agus moltaí an imscrúdaithe seo mar leithscéal le laghdú nó maolú a dhéanamh ar sholáthar seirbhís póilíneachta cuí don limistéar atá i gceist.

- Go bhfeidhmeoidh an Garda Síochána córas tástála teanga cuí dá rogha féin (ar nós an chórais do Theastas Eorpach na Gaeilge ag Ollscoil na hÉireann, Má Nuad, atá ceangailte leis an *Fhráma Tagartha Comónta Eorpach do Theangacha* (Comhairle na hEorpa, 2001)) chun líofacht Gaeilge comhaltaí a mheas ag tráth go mbeifí ag beartú iad a chur ar stáisiún i ndúiche ina bhfuil limistéar Gaeltachta agus nach lonnófaí ansin ach Gardaí atá inniúil go leor sa Ghaeilge chun a chumasú dóibh í a úsáid go saoráideach le linn dóibh a ndualgais a chomhall.
- Go scrúdóidh Coimisinéir an Gharda Síochána an bhfuil impleachtaí ag cinneadh agus moltaí an imscrúdaithe seo do na dúichí ar fad de chuid an Gharda Síochána ina bhfuil limistéir Gaeltachta agus má tá, go rachfaí i ngleic leo le géilliúlacht do na dualgais reachtúla teanga a chinntiú.

CAIBIDIL 5

Achomhairc chuig an Ard-Chúirt

Meabhraítear anseo go bhfuil sé de cheart ag páirtí in imscrúdú faoi Acht na dTeangacha Oifigiúla 2003, nó ag aon duine eile a ndéanann fionnachtana agus moltaí an Choimisinéara tar éis imscrúdú den sórt sin difear dó nó di, achomharc a dhéanamh chuig an Ard-Chúirt ar phonc dlí i gcoinne an chinnidh. Is ceart a thabhairt faoi deara gur gá achomharc a thionscnamh tráth nach déanaí ná 4 seachtaine tar éis fógra maidir leis na fionnachtana agus na moltaí iomchuí a thabhairt don duine a bheidh ag tionscnamh an achomhairc. Féach freisin IR 14 de 2007.

Seo a leanas mar atá na forálacha sin d'Acht na dTeangacha Oifigiúla 2003:

Fo-alt 28(1)

Féadfaidh páirtí in imscrúdú faoin Acht seo nó aon duine eile a ndéanann fionnachtana agus moltaí an Choimisinéara tar éis imscrúdú den sórt sin difear dó nó di, achomharc a dhéanamh chuig an Ard-Chúirt ar phonc dlí i gcoinne an chinnidh.

Fo-alt 28(2)

Déanfar achomharc faoi fho-alt (1) a thionscnamh tráth nach déanaí ná 4 sheachtain tar éis fógra maidir leis na fionnachtana agus na moltaí iomchuí a thabhairt don duine a bheidh ag tionscnamh an achomhairc.

Fo-alt 28(3)(a)

I gcás ina ndéanfaidh an Ard-Chúirt achomharc faoin alt seo ag duine, seachas ag ceann, a dhíbhe, féadfaidh an Chúirt sin, má mheasann sí gur ghabh tábhacht phoiblí eisceachtúil leis an bponc dlí lena mbaineann, a ordú go ndéanfaidh an comhlacht poiblí lena mbaineann cuid de chostais an duine i ndáil leis an achomharc, nó iad go léir, a íoc.

Fo-alt 28(3)(b)

Féadfaidh an Ard-Chúirt a ordú go ndéanfaidh an comhlacht poiblí lena mbaineann cuid de chostais duine, seachas ceann, i ndáil le tarchur faoin alt seo, nó iad go léir, a íoc.

Fo-alt 28(4)

Maidir le cinneadh ón Ard-Chúirt tar éis achomhairc faoi fho-alt (1), sonrófar ann, i gcás inar cuí sin, an tréimhse ar laistigh di a thabharfar éifeacht don chinneadh.

CAIBIDIL 6

Tuairimí á Lorg

Faoi fho-alt 26(4) d'Acht na dTeangacha Oifigiúla 2003, iarraim mar Choimisinéir Teanga ar an Gharda Síochána, más mian leis sin a dhéanamh, aon tuairimí a bheadh aige maidir le fionnachtana agus moltaí atá ar áireamh sa tuarascáil seo a chur faoi mo bhráid laistigh de thréimhse 6 seachtaine tar éis fógra maidir leis na fionnachtana agus na moltaí atá sa tuarascáil a bheith faighte ag an nGarda Síochána.

Seán Ó Cuirreáin
An Coimisinéir Teanga

Dáta: _____

APPENDIX B

Monitoring Report (2019)

Background

An investigation in 2011 found that An Garda Síochána had breached the Garda Síochána Act 2005. This finding resulted from members of An Garda Síochána who were not competent enough in Irish to enable them to use it with ease being stationed in a district with a Gaeltacht area in An Bun Beag/Doirí Beaga, [Gaoth Dobhair], Co. Donegal.

It was recommended as a result of the investigation of An Garda Síochána:

- That the Garda Commissioner take every necessary step to ensure that Gardaí competent in Irish are deployed to Gaeltacht stations.
- That the finding and recommendations of the investigation are not to be used as an excuse to reduce or slow the provision of an appropriate policing service for the area in question.
- That An Garda Síochána implement an appropriate language testing system to assess the Irish language fluency of members when it is proposed that they may be stationed in a district with a Gaeltacht area, and
- That An Garda Síochána examine if there were implications from the decision of this investigation in relation to all the districts of An Garda Síochána with Gaeltacht areas and, if there were, that these be addressed to ensure compliance with the statutory language obligations.

The Monitoring Process

Numerous communications have occurred between my Office and An Garda Síochána since the investigation. Indeed, there were more communications with it in the context of implementing recommendations of an investigation than with any other public body. It is regrettable that a better result is not evident from those efforts.

I had a meeting with Garda Commissioner Drew Harris on 25 March 2019, and I sent him a letter on 15 April 2019 providing a summary of that meeting and outlining the actions required in order to finalise the case. Eight actions, in total, were specified in that document.

On 25 June 2019 the Office was informed that a comprehensive document, in reply to An Coimisinéir Teanga's letter, had been forwarded to Garda management. A note was sent to An Garda Síochána on 11 July enquiring when we would receive the reply. A reminder was sent on 2 September when no reply had been received.

On 3 September 2019 an acknowledgement was received apologising for the delay and stating that the Human Resources and Personnel Development Office of An Garda Síochána understood the urgency of the matter and that a reply would be provided soon in respect of all the actions discussed at the meeting with Commissioner Harris on 25 March 2019.

An email was issued to An Garda Síochána on 20 September 2019 stating that almost 6 months had elapsed since the meeting of 25 March, and that the Office was still awaiting a response on the matter from An Garda Síochána. It was explained that the apparent lack of progress on this issue was a matter of concern and that consideration was being given to the next steps to be taken in light of the lack of a full response from An Garda Síochána.

Quite a few contacts between my Office and the Office of the Garda Commissioner followed that, during which it was reminded that I am obliged to present a report on the subject to the Houses of the Oireachtas if no progress was shown on recommendations of the investigation.

A response, including an up-to-date report, was received on 5 November 2019. In that letter, it was advised that the important obligations of An Garda Síochána to provide their services through Irish would be included in their ongoing change programme. It was also stated that a Strategic Workforce Plan was being drafted at present for the period 2020-2022 and that an Irish language service which is fit for purpose would be included in this Strategic Workforce Plan.

It was stated in the letter that the Human Resources and Personnel Development Office of An Garda Síochána would ensure the inclusion of the demand to provide services through Irish in every internal promotional and lateral competition henceforth and that trainees with Irish will continue to be recruited from future competitions.

My Office examined the report provided, and it was compared with the actions requested in my letter of 15 April 2019. Although a reply was given in relation to each of the actions requested in my letter, there was little evidence of action. The majority of the cases were characterised by no timeframes, vagueness or conditional understandings.

On 22 November 2019 a clarification was sought from An Garda Síochána in relation to the number, as opposed to the percentage, of Gardaí who have Irish in Gaeltacht stations, and a reminder was issued on the matter on 12 December. Despite receiving acknowledgements for both emails, no reply had been received by the end of April 2020.

Response

This Office sought additional information and clarifications once more from An Garda Síochána at the beginning of May this year. We sought information in respect of any progress that had been made in regard to assessments, promotion of members of An Garda Síochána to Gaeltacht stations, analysis of members with and without Irish in Gaeltacht stations who are due to retire, arrangements in respect of Gardaí with Irish who come through the recruitment panel and the protocol in respect of specialist units.

A response was provided on 10 June. I must, at this stage, examine fully the letter An Garda Síochána submitted to me, but the progress one would expect has not been achieved to date. It was clear from the information provided that the number of Gardaí with Irish who are on duty in stations located in districts which have a Gaeltacht area has increased from 47 to 51 in the period since the investigation was carried out. That is an increase of 4 since the recommendations of the investigation were made in 2011. The number of Gardaí stationed in Gaeltacht areas has decreased from 114 to 98 during that same period.

Main Finding

It is most unfortunate that the recommendations of the investigation made in 2011 have not been implemented. It may be that this lack of progress will result in a report on the matter being put before the Houses of the Oireachtas. I have an obligation to do this where I believe that recommendations of an investigation are not appropriately implemented within a reasonable period of time. It would be difficult for anyone to argue that a reasonable period of time has not now elapsed.

Initial liaison: 9 November 2012

Latest liaison: 10 June 2020

Correspondence Timeline

<i>Date</i>	<i>Item of Correspondence</i>
9 November 2012	Office of An Coimisinéir Teanga (OCT) issues a monitoring letter to the Garda Commissioner.
19 November 2012	Acknowledgement received by OCT from the Office of the Garda Commissioner.
27 November 2012	OCT spoke with An Garda Síochána's Irish Language Officer and explained that the recommendations of the investigation were quite wide-ranging. An extension until 21 December was granted to provide an answer.
2 January 2013	Answer received by OCT from the Garda Commissioner.
8 January 2013	Letter issued from OCT in reply to that letter.
6 February 2013	Meeting set up for 20 February 2013 between an officer from OCT and an Assistant Commissioner of An Garda Síochána.
28 February 2013	Report on the meeting forwarded to An Coimisinéir Teanga by OCT officer.
6 March 2013	Letter received by OCT from the Office of the Garda Commissioner, arising from the meeting of 20 February 2013. It was advised that they would continue with the steps and actions they were then taking in relation to compliance with the Garda Síochána Act 2005 and with the Official Languages Act 2003. It was confirmed that appropriate adjustments are being implemented in Donegal to improve services through Irish, with Irish speaking members of the force being stationed in Gaeltacht areas and the provision of Irish classes. Recommendation made to them that every Gaeltacht region be examined to assess the fluency in Irish of Gardaí and that they be able to conduct their business through Irish with the Irish language community
30 August 2013	Letter sent by OCT to the Office of the Garda Commissioner seeking an up-to-date account of the situation.
30 October 2013	Response received by OCT from the Garda Commissioner.
27 June 2014	Monitoring letter issued by OCT to An Garda Síochána.
3 July 2014	Acknowledgement received that An Garda Síochána received the monitoring letter dated 27 June 2014.
3 September 2014	Response received by OCT in relation to the monitoring letter dated 27 June 2014.
16 November 2015	Monitoring letter issued by OCT to the Office of the Garda Commissioner.
27 November 2015	Acknowledgement received by OCT from the Office of the Garda Commissioner.
27 January 2016	Telephone call made by OCT to Garda Headquarters as a reminder.
29 February 2016	Telephone call made to Garda Headquarters, seeking a response.
8 April 2016	Response, dated 14 March 2016, received by OCT from An Garda Síochána, with details in relation to the number of

	members based in its station in An Bun Beag as well as information in relation to recommendations of the investigation.
29 June 2016	Letter sent by OCT to An Garda Síochána, seeking further clarification.
23 August 2016	Telephone call made by OCT to An Garda Síochána seeking a response to the letter dated 29 June.
30 August 2016	Written reminder sent from OCT to the Office of the Garda Commissioner.
7 September 2016	Telephone call made by OCT to the Executive Director of Human Resources in An Garda Síochána, and advised the call would be returned without delay.
21 October 2016	Telephone call made by OCT to the Executive Director of Human Resources in An Garda Síochána, and advised the call would be returned without delay.
26 October 2016	Letter sent by An Coimisinéir Teanga to the Garda Commissioner, seeking a response to the letter dated 29 June.
11 November 2016	An offer of a meeting on 9 December received from An Garda Síochána. That offer was accepted.
25 November 2016	Letter received from the Garda Commissioner.
20 January 2017	Letter received from Executive Director, advising that they were conducting a survey at that time in relation to the deployment of fluent Irish speakers in Gaeltacht stations.
17 February 2017	Letter received from the Garda Commissioner in response to An Coimisinéir Teanga's letter of 26 October 2016.
14 April 2017	Email sent by OCT seeking clarification in relation to Garda stations within the Gaeltacht. A second response received in which Co. Mayo was included.
18 April 2017	Acknowledgement issued in relation to the queries by An Garda Síochána.
19 April 2017	Answer issued to the query.
30 June 2017	Email received by OCT from An Garda Síochána in relation to Garda stations in the Gaeltacht and 'BreacGhaeltacht'.
11 July 2017	Email from An Garda Síochána acknowledged.
29 July 2017	Email sent to An Garda Síochána: As far as this Office is concerned, no differentiation is made between "FíorGhaeltacht" and "BreacGhaeltacht" as those terms have no status in legislation. The criterion used by this Office is that the obligation set out in the Garda Síochána Act is fulfilled: <i>"The Garda Commissioner shall, to the extent practicable, ensure that members of the Garda Síochána stationed in a District that includes a Gaeltacht area are sufficiently competent in the Irish language to enable them to use it with facility in carrying out their duties"</i> .
31 July 2017	Letter sent to the Executive Director of An Garda Síochána on the same matter.
12 October 2017	Reminder issued. Answer received suggesting contacting the Office of the Executive Director.

13 October 2017	Telephone call made to the Office of the Executive Director.
13 October 2017	Note sent, seeking a written response.
17 October 2017	Telephone call made to the Office of the Executive Director.
18 October 2017	Telephone call made to the Office of the Executive Director.
18 October 2017	Telephone call received from the Office of the Executive Director – he would telephone before Friday.
19 October 2017	Telephone call, voicemail message and text to the Executive Director.
23 October 2017	Meeting with Acting Commissioner
25 October 2017	Account of the meeting of 23 October sent to the Acting Commissioner.
2 November 2017	Letter received from the Executive Director.
8 November 2017	Message sent to the Executive Director seeking a copy of the attachment mentioned in the letter, but which was not attached. Answer received with a copy of the attachment.
17 November 2017	Note sent from An Coimisinéir Teanga to the Irish Language Officer of An Garda Síochána.
17 November 2017	Reply received from the Irish Language Officer, expressing thanks for the email and the constructive meeting and advising that a report is being prepared for the Executive Director in relation to the matters discussed and the means by which matters can be concluded as quickly as possible.
15 December 2017	Meeting between An Coimisinéir Teanga, Director of HR An Garda Síochána and Chief Superintendents.
8 January 2018	Electronic version of letter received from the Executive Director, thanking An Coimisinéir Teanga for attending the meeting with An Garda Síochána in Oranmore on 15 December. A copy of the minutes was included, as well as a spreadsheet giving an account of the number and percentage of members who are competent carrying out their duties through Irish in a Gaeltacht area, in December 2012, April 2016 and November 2017, and the consequential changes.
19 February 2018	Email from the Irish Language Officer to An Coimisinéir Teanga with up-to-date information in relation to the new language testing system to be introduced – An Garda Síochána's Irish Language Competency Framework.
19 February 2018	Reply sent by An Coimisinéir Teanga expressing thanks for the email and the report on the steps being taken by An Garda Síochána to fulfil the statutory obligations in relation to Gardaí who are competent in Irish being stationed in Gaeltacht areas. Advised that the sooner An Garda Síochána can demonstrate a systematic and substantial increase in the number of Gardaí in Gaeltacht stations, the better.
19 September 2018	Email received by OCT from the Office of the Garda Commissioner stating a Headquarters' Directive had been issued seeking interest from members who wished to be assessed for allocation to a Gaeltacht station.

19 September 2018	Reply sent by OCT seeking a copy of the Headquarters' Directive.
20 September 2018	Email received by OCT from the Office of the Garda Commissioner with the Headquarters' Directive attached.
25 March 2019	Meeting held in Galway between An Coimisinéir Teanga and the Garda Commissioner, Drew Harris.
15 April 2019	Letter sent by OCT to the Garda Commissioner, based on the 25 March meeting.
25 June 2019	Email received from the Irish Language Officer of An Garda Síochána, advising that a comprehensive document had been forwarded to HR&PD, to be forwarded to the Commissioner, in relation to the eight actions mentioned in the letter of 15 April 2019.
11 July 2019	Note sent by OCT to An Garda Síochána contact seeking the reply.
2 September 2019	Reminder issued to the contact in An Garda Síochána seeking the previously mentioned reply.
3 September 2019	Response received by OCT from the contact in An Garda Síochána apologising for the delay in replying due to leave, etc. It was advised that HR was to go through the document in detail during the week. It was advised, as a postscript, that an oral examination would be held in the Garda College on 11 September for members who had expressed an interest in being on the Irish Language Proficiency Panel, and that ten people in total were to be examined on this occasion.
20 September 2019	Another reminder sent by OCT to An Garda Síochána's Irish Language Officer, stating that almost six months had elapsed by then since the meeting of 25 March, and that a response from An Garda Síochána on the matter was still awaited.
16 October 2019	Request made to a member of the Office of Garda Commissioner for an appointment for a telephone conversation between the two Commissioners.
22 October 2019	Telephone call received by OCT from the Office of the Garda Commissioner asking the exact nature of what was required by An Coimisinéir Teanga. It was explained that a letter was sent by An Coimisinéir Teanga to the Garda Commissioner in April, based on discussions at the meeting of 25 March and that a report had been requested in that letter of the progress made. It was advised that it was understood that the report was prepared by the Irish Language Officer in July, but that OCT was still awaiting the answer. The Office of Garda Commissioner said it would investigate the matter and revert that afternoon.
22 October 2019	Office of Garda Commissioner reverted and said it was following up with the answer to the letter dated 15 April.
5 November 2019	Bilingual response received by OCT with a report on progress. The graphs with the Irish version were in black and white only.
22 November 2019	Email sent by OCT to the Office of the Garda Commissioner, cc'd to the Irish Language Officer, seeking the number of Gardaí in Appendix E, as distinct from the percentages

	provided, and a colour version of the graphs in Irish, as the black and white ones were not as clear.
25 November 2019	Acknowledgement received by OCT from the Office of the Garda Commissioner.
13 December 2019	Reminder issued to An Garda Síochána.
17 December 2019	A second acknowledgement received.
16 April 2020	A paragraph from the preface of the draft Monitoring Report read on the telephone to the Irish Language Officer, advising that it appears to An Coimisinéir Teanga that he has no choice but to submit a report to the Houses of the Oireachtas.
17 April 2020	Email received from the Irish Language Officer seeking clarification.
1 May 2020	Clarifying email issued, along with a report on the response of An Garda Síochána of 5 November 2020.
6 May 2020	Acknowledgment received from An Garda Síochána in relation to the email and report of 1 May 2020.
12 May 2020	Interim response received advising that senior officials were preparing to issue a substantive response.
2 June 2020	Email from the Irish Language Officer advising of a personnel change.
4 June 2020	Conversation and email contact with the Irish Language Officer in respect of the response required to the email of 1 May 2020.
4 June 2020	Email from the Irish Language Officer with figures requested in the email of 22 November 2019.
5 June 2020	Acknowledgement issued to the Irish Language Officer.
8 June 2020	Email from the Irish Language Officer advising we would receive a response to the email of 1 May on the afternoon of 9 June or on 10 June.
10 June 2020	Response received to the email of 1 May 2020 with an apology for the delay.
26 June 2020	E-mail received informing OCT of a new initiative in the Kerry Gaeltacht involving checkpoints being carried out through the medium of Irish.
26 June 2020	Acknowledgement issued by OCT.
29 June 2020	Letter issued by An Coimisinéir Teanga to the Executive Director indicating that the response received on 10 June lacked specific dates regarding the implementation of the actions proposed to address the recommendation made in the Investigation in 2011. The actions considered to lack specific implementation dates included the assessment of members' language ability, arrangements regarding members recruited from the Irish language panel (including a list of members stationed in Gaeltacht stations or in districts including Gaeltacht areas), specialist units and an analysis of members due to retire.

29 June 2020	Acknowledgement received from the Irish Language Officer.
7 July 2020	OCT received an acknowledgement note from the Irish Language Officer for the letter dated 29 June 2020. It was noted that an update report was expected to be ready within two weeks. Receipt issued by OCT.
15 July 2020	Request received from the Irish Language Officer for the minutes of the meeting between the Commissioners in March 2019. Officer was informed that no separate minutes had been kept and that the letter of 15 April represented the official minutes of the March 2019 meeting. OCT thanked for this clarification.
17 July 2020	Letter received from the Executive Director of Human Resources An Garda Síochána including a report with 8 headings: The Training of Assessors; Irish Language Assessments; Transfer of Gardaí with Irish to Gaeltacht Stations; Arrangements for Gardaí with sufficient Irish based in stations located in districts with a Gaeltacht area; The Irish language Stream; Specialist Units serving Gaeltacht Communities; Training Programme; and Summary of Retiring Members. The email that accompanied the letter indicated that they hoped to have more information for the OCT about the members who were recruited through the Irish language Stream within a week or two. OCT acknowledged the letter and thanked an Garda Síochána for the information.
21 July 2020	Clarification received from the Irish Language Officer that one Garda is based at an Charraig station in Donegal, and not two members as stated in the letter dated 17 July.
24 July 2020	The Irish Language Officer provided further information on where Gardaí recruited through Sruth an Gaeilge are based.
24 July 2020	Additional information received from the Irish Language Officer regarding the number of Gardaí stationed at an Bun Beag station: There are 9 members stationed there and not 11 members as stated in the letter dated 17 July.
27 July 2020	Email sent by OCT seeking confirmation that there were a total of 99 Gardaí on duty in Gaeltacht areas, 35 of whom were fluent in Irish (level 4/5) and 64 who were not. A copy of the amended analysis was also requested.
27 July 2020	OCT issued an email acknowledgment regarding the number of Irish speaking Gardaí recruited and based in Gaeltacht stations.
27 July 2020	An additional email was received from the Irish Language Officer regarding the Irish Language Stream. The email stated that some of the members were recruited through both streams, and that those members had a choice as to which stream to stay in, which meant that the number of members who were recruited through the Irish language stream was less than that mentioned in the previous email.
27 July 2020	Acknowledgement of clarification received from the Irish Language Officer which appears to show that the previous

	figures received included two members of the force who have retired.
7 August 2020	Email received from the Irish Language Officer confirming that there are now 20 members on the Gaeltacht Competency Panel. Acknowledgement issued by OCT.
14 August 2020	An email was received from the Irish Language Officer stating that work is underway on the following: 1. A review of the number of Gardaí serving in Gaeltacht stations. 2. Review of the number of Gardaí with Irish in Gaeltacht stations according to the new assessment system. 3. Review of the members who joined through the Irish language Stream. A request was made for details on the number of complaints received by the Office over the years regarding the lack of services through Irish provided by An Garda Síochána in Gaeltacht stations or in Gaeltacht areas.
17 August 2020	Conversation had with an official of An Garda Síochána – it was confirmed that the number of members stationed in the Gaeltacht / or in districts with Gaeltacht areas are now down to 31 out of 99. Action is required - when will the 22 members on the Gaeltacht panel list be based in Gaeltacht stations. It was noted that the force Strategic Workforce Plan has not yet been finalised or published.
28 August 2020	Response sent to An Garda Síochána regarding the number of contacts made with the Office regarding the lack of services through Irish in Gaeltacht areas over the years. Clarification sought on figures for Maigh Cuilinn and an Bun Beag stations.
1 October 2020	An Garda Síochána requested additional information in relation to the number of complaints - geographical breakdown etc.
5 October 2020	Telephone conversation with the Irish Language Officer and breakdown of complaints issued by email.
22 October 2020	Letter received from the Irish Language Officer requesting a copy of the letter of November 2019 sent by an Garda Síochána to OCT. A copy of the Irish and English versions of the letter issued by email and acknowledgement received.
29 October 2020	Email received from the Irish Language Officer apologising for the delay in issuing a report being prepared by the Commissioner of An Garda Síochána to OCT and stating that it was expected to be ready the following week.
20 November 2020	Report received from the Garda Commissioner in relation to the Office's Monitoring Report on An Garda Síochána and on the progress made in relation to it..
23 November 2020	Acknowledgement issued by OCT. Email received from the Irish Language Officer clarifying the current situation in Maigh Cuilinn station. Acknowledgement issued.
4 December 2020	OCT telephoned the Irish Language Officer seeking clarification on the date by which the 'Strategic Workforce Plan' would be available, and the terms of reference of the Irish Language Strategic Working Group, together with a copy of the

	Irish language assessment system. A copy of the assessment system was received by email.
8 December 2020	Telephone call received from the Irish Language Officer stating that no terms of reference exist at this time for the Irish Language Strategy Committee, but that work has commenced. It was pointed out that there is no definite deadline for the implementation of the Strategic Workforce Plan but that a lot of preparatory work is being done on it. The Irish Language Officer stated that the deadline shall be confirmed for the implementation of the Strategic Workforce Plan with the Office of Garda Commissioner.
4 January	Email received from the Irish Language Officer stating that the Office of Garda Commissioner confirmed that there is no definite deadline for the implementation of the Strategic Workforce Plan.
5 February 2021	A letter is issued by an Coimisinéir Teanga to the Garda Commissioner stating that he intends to submit a report to each House of the Oireachtas in the light of the recommendations of the 2011 Investigation into An Garda Síochána having not been implemented at this time.
8 February 2021	Acknowledgment of letter dated 8 February received from the Office of Garda Commissioner.
25 February 2021	A telephone call was received from the Irish Language Officer requesting to arrange a meeting as additional information regarding measures being now taken by An Garda Síochána needed to be conveyed to An Coimisinéir Teanga.
26 February 2021	The Director of the Office had a telephone conversation with the Garda Síochána Irish Language Officer to ascertain further information on current measures being taken by An Garda Síochána.
5 March 2021	Letter received from the Garda Commissioner outlining the current measures being taken by An Garda Síochána in relation to the recommendations of the 2011 Investigation.
31 March 2021	Letter issued by an Coimisinéir Teanga to the Garda Commissioner confirming that he had decided to submit a Report to the Houses of the Oireachtas due to the recommendations of the 2011 Investigation having not been implemented at this time.

APPENDIX C

An Garda Síochána

Oifig an Choimisinéara
An Garda Síochána
Páirc an Fhionnuisce
Baile Átha Cliath 8
Éire
D08 HN3X



Office of the Commissioner
Garda Headquarters
Phoenix Park
Dublin 8
Ireland
D08 HN3X

Láithreán Gréasáin / Website:
www.garda.ie

Ríomhphost / E-mail:
commissioner@garda.ie

Please quote the following ref. number:

Luaigh an uimhir tharaghta seo a leanas le do thoil:

CMR_34-162304/19

RÚNDA

An Coimisinéir Teanga
An Spidéal
Gaillimh
H91 VK23

Maidir le: Tuarascáil Faireacháin 2019

A Choimisinéir, a chara,

Tá an Garda Síochána tar éis tabhairt faoi go leor tionscnaimh dearfacha thar na blianta chun an Ghaeilge a chur chun cinn agus cé go n-aithnítear buarthaí An Choimisinéara Teanga, tá an Garda Síochána fós go hiomlán tiomanta gach dualgais i leith na Gaeilge a chomhlíonadh. Aithníonn muid an tábhachtach a bhaineann le seirbhísí trí mheán na Gaeilge a sholáthar dár bpobail Ghaeltachta. Tá bearta breise tógtha le cúpla mí anuas ag an eagraíocht chun iarracht a dhéanamh an teanga a chur chun cinn agus seirbhísí Gaeilge a thairiscint don phobal. Tá eolas le fáil orthu siúd in Aguisín A.

Tá sé ráite ag an gCoimisinéir Teanga nach bhfuil aon "Phlean Feidhmiúcháin a léiríonn cur chuige córasach tras-eagraíochta, laistigh den Gharda Síochána, ar mhaithe le comhlíonadh na bhforálacha atá leagtha amach i bhfo-alt 33(2) d'Acht an Gharda Síochána 2005". Maidir leis seo, tá sé beartaithe gur bhforbrófar Oifig na Gaeilge, áit go mbeidh foireann bhreise fostaithe ann agus bainisteoir sinsearach mar cheann na hOifige, chun Straitéis chuimsitheach Ghaeilge a fhorbairt agus a chur i bhfeidhm don eagraíocht. Faoi láthair feidhmíonn Oifig na Gaeilge go príomha mar oifig idirchaidrimh, agus cé go raibh ionchur suntasach ag an oifig i bpleananna agus i mbeartais gníomhaíochta Gaeilge, moltar anois go mbeidh úinéireacht ag an Oifig sin maoirseacht a dhéanamh ar chur i bhfeidhm na mbeartas sin.

Ní hamháin go ndéanfaidh an Straitéis nua seo atá beartaithe againn, i gcomhairle leis na páirtithe leasmhara ábhartha lena n-áirítear An Coimisinéir Teanga, cinnte go bhfuil maoirseacht á dhéanamh ar chomhlíonadh ár ndualgais reachtúla teanga ach spreagfaidh an Straitéis úsáid na Gaeilge ar fud na heagraíochta. Cuimseoidh

straitéis den tsórt seo an cur chuige córasach tras-eagraíochta atá ag teastáil chun a chinntiú:

- Go gcuirtear moltaí An Choimisinéara Teanga i bhfeidhm go hiomlán, déanfar é seo trí líon na gcomhaltaí le Gaeilge i stáisiúin Ghaeltachta agus i stáisiúin seirbhíse Gaeltachta a mhéadú agus trí chultúr dearfach a chruthú sna stáisiúin Ghaeltachta sin ionas go mbeidh an Ghaeilge mar theanga oibre iontu.
- Go ndéantar an Ghaeilge a phríomhshruthú i bpríomhchórais ar nós fórsa saothair a phleanáil, cláir oiliúna agus pleanáil agus seachadadh seirbhíse.
- Go socraítear struchtúr rialachais cuí timpeall ar an teanga chun maoirseacht a dhéanamh ar chur i bhfeidhm na straitéise nua.
- Go gcloítear le caighdeáin ghairmiúla agus go ndéantar cearta teanga a mheas i mbeartais uile an Gharda Síochána sa todhchaí. Caithfidh an eagraíocht a bheith thar a bheith feasach ar an tábhacht a bhaineann le dul i mbun teagmháil go héifeachtach le pobail labhartha na Gaeilge.

Beidh tionchar fadtéarmach agus dearfach ag forbairt shuntasach den tsórt seo agus cinnteoidh sé go gcuirfean an Ghaeilge san áireamh agus beartais uile an Gharda Síochána á bhforbairt. Tríd an Straitéis nua Gaeilge seo a bhunú, taispeánfaidh muid d'Oifig an Choimisinéara Teanga chomh maith le pobal na Gaeilge, go bhfuil muid go hiomlán tiomanta ár ndualgais reachtúla maidir le céad teanga oifigiúil an Stáit a chomhlíonadh. Cinnteoidh gníomh den tsórt seo freisin go bhfuil córais i bhfeidhm chun comhlíonadh na ndualgas reachtúil teanga a chosaint, beag beann ar aon athruithe pearsanra a d'fhéadfadh tarlú sa todhchaí.

Rinne Oifig an Choimisinéara Teanga achoimre ar ocht ngníomh in 2019 a bhí riachtanach chun na moltaí a rinneadh in imscrúdú IM241-B a chur i bhfeidhm. Soláthraíonn Aguisín B achoimre ar na gníomhartha sin a bhí molta, a stádas reatha, na saincheistanna a bhaineann leo, na príomhghníomhartha atá ag teastáil anois, agus an tréimhse ama atá beartaithe chun iad a chur i bhfeidhm. Soláthraíonn Aguisín C cóip de Théarmaí Tagartha an Ghrúpa Oibre Straitéiseach Gaeilge. Tháinig an Grúpa seo le chéile trí huaire, uair amháin in 2017, uair eile in 2018 agus arís, le déanaí, i bhfómhar na bliana 2020.

Le meas,



JA HARRIS
COIMISINÉIR
AN GARDA SÍOCHÁNA

05 Márta 2021

An Garda Síochána has undertaken many positive initiatives over the years to promote the language and whilst acknowledging An Coimisinéir Teanga's concerns, An Garda Síochána remains fully dedicated to our Irish language obligations, and continues to recognise the importance of providing Irish language services to our Gaeltacht communities. In the last few months alone, further measures, which can be found in Appendix A, have been progressed to promote the language and offer Irish language services to members of the public.

An Coimisinéir Teanga has stated that “there is no Implementation Plan which reflects a systematic cross-organisational approach, within An Garda Síochána in order to comply with the provisions set out in subsection 33(2) of an Garda Síochána Act 2005”. In this regard, it is proposed to develop the Irish Language Office, to include additional staff and a senior manager as head of the Office, to develop and implement a comprehensive Irish Language Strategy for the organisation. At present the Irish Language Office primarily functions as a liaison office, and while it has provided significant input into Irish language action plans and policies, it is proposed that it will now have ownership going forward to oversee the implementation of those policies.

The proposed Strategy, in consultation with the relevant stakeholders including An Coimisinéir Teanga, will not only oversee compliance with our legal requirements, but will also actively encourage the use of Irish throughout the organisation. Such a strategy will encompass the systematic cross-organisational approach required to ensure:

- That An Coimisinéir Teanga's recommendations are fully implemented, this will be done through increasing the number of Irish speaking members in Gaeltacht stations and Gaeltacht service stations and through creating a positive culture in those stations to promote Irish as the working language.
- That the Irish language is mainstreamed into key systems such as workforce planning, training programmes and service planning and delivery.
- That an adequate governance structure around the language is arranged to oversee the implementation of the new strategy.
- That professional standards are maintained and that linguistic rights are considered in all of An Garda Síochána's future policies. The organisation must be extremely

cognisant of the importance of engaging effectively with the Irish speaking communities.

Such a significant development will have a long lasting positive impact and will ensure the Irish language is considered in all of An Garda Síochána's policies. By establishing this new Irish Language Strategy, we will demonstrate to An Coimisinéir Teanga as well as the Irish-speaking public, that we are entirely committed to fulfilling all our statutory obligations with regard to the state's first language. Such action will also ensure that systems are in place to safeguard compliance with our obligations, regardless of any personnel changes that may take place in future.

The Office of An Coimisinéir Teanga summarised eight essential actions in 2019 which were required to implement the recommendations made in investigation IM241-B. Appendix B provides a summary of those advised actions, their current status, key issues surrounding them, the key actions required and the proposed timeframe for implementation.

In relation to the Irish Language Strategic Working Group, they have met three times, once in 2017, once in 2018 and again more recently in Autumn 2020.

Appendix A Recent Initiatives

The following measures have taken place in the last few months to promote the Irish language within An Garda Síochána:

- **Irish language Interpretation Service**

An Irish language interpretation service is now available to members of An Garda Síochána who require assistance when dealing with a member of the public through Irish. This is a valuable service which will assist the organisation in providing a better policing service for our Irish-speaking users.

- **New Guidelines for Dealing with Irish-Speaking users**

New guidelines have been drawn up for the organisation which outline the protocol for members when dealing with Irish-speaking users on the phone, in the station or at a checkpoint.

- **An Inspector with Responsibility for Gaeltacht Policing**

An Inspector has been appointed to An Cheathrú Rua Garda Station and has been assigned responsibility for Gaeltacht policing. This includes working with senior management to ensure that a full policing service is available in Irish for our Gaeltacht communities.

- **Fáinne Gaeilge an Gharda Síochána**

we are striving to increase our Irish language services throughout the country as well as working towards providing a fully bilingual policing service in our Gaeltacht communities. As part of this goal and in an effort to proactively offer Irish language services to our Irish language service-users An Garda Síochána has commissioned *Fáinne Gaeilge an Gharda Síochána* in conjunction with Conradh na Gaeilge and will be launched soon. The Fáinne is a recognised symbol worn to show fluency in the language and a willingness to use and promote it. A unique Fáinne designed for the organisation will be issued shortly to members of an Garda Síochána who are willing to make it known to members of the public that they are happy to converse through the medium of Irish.

- **Allocations from the Irish Language Proficiency Panel**

The following additional allocation of fluent Irish speakers has taken place over the past few months which will have a positive impact on Gaeltacht stations/Divisions:

1. An Inspector has been allocated to An Cheathrú Rua Garda station.
2. A Garda has been allocated to Leitir Móir Garda Station
3. A Garda member from the Irish Stream, has been allocated to Clifden Garda station and will be available to provide services to Maam Garda Station. This members does not currently have enough policing experience to cover the rural station on a full time basis



4. A Garda has been allocated to An Daingean Garda station.

5. Two probationer Gardai from the Irish Stream have been allocated to Ballina Garda station to continue their training and to aid the deficit in Belmullet Garda station.

▪ **Progress on the Strategic Workforce Plan**

The allocation of resources across An Garda Síochána continues to be addressed within the embedding of Workforce Planning. A significant element of this throughout 2021 and into 2022 will be the allocation of Garda Staff to a front office role in Garda Stations. Whilst at present the rollout is focused on stations that are open 24/7 as it progresses the allocation of Garda Staff to stations in Divisions that serve a Gaeltacht will include an Irish fluency requirement.

▪ **Online Irish Language Training**

Work has begun on the development of our online Irish training programme and will be rolled out for the organisation in the coming months.

▪ **An Irish Language Communications Strategy**

An Irish Language Communications Strategy has been devised for the North-Western Region with the aim of increasing the use of Irish on our social media platforms.

Appendix B

The Status of the Advised Actions from An Coimisinéir Teanga

Action 1:

Set a time-frame for training the Irish language assessors under the new Oral Irish Proficiency Assessment System

Status	Key Issues	Action required	Timeframe
Completed	N/A	N/A	N/A

Action 2:

Provide the Office of An Coimisinéir Teanga with a clear time-frame for carrying out Irish language assessments on members in Gaeltacht stations.

Status	Key Issues	Action required	Timeframe
Completed	N/A	N/A	N/A

Action 3:

Ensure arrangements are in place to ensure that a sufficient number of Gardaí appointed to Gaeltacht stations have enough competence in the Irish language to conduct their duties through that medium.

Status	Key Issues	Action required	Timeframe
Ongoing	The Irish language Stream and the Irish Language Proficiency Panel are to be utilised to implement this action, however, adequate	Development of the Irish Language Office is required to establish an Irish Language Strategy, in consultation with the relevant stakeholders including An Coimisinéir Teanga. As part of this strategy, the office will have responsibility for ensuring the Irish Language Strategic Working Group functions as effectively as possible and fulfils its obligations as set out in its terms of reference.	Autumn 2021

	governance arrangements are required at this juncture.	<p>Furthermore, the Irish Language Officer will act as an operational lead to maximise efficiencies.</p> <p>Within this new framework, the Irish Language Officer will also be responsible for ensuring that the Irish Language Proficiency Panel (ILPP) is correctly utilised according to its function. This will also involve actively recruiting members to expand the Panel through:</p> <ul style="list-style-type: none"> ▪ including only those who have been assessed and have achieved the required standard ▪ ensuring that the members recruited through the Irish Stream are included ▪ promoting Irish language courses and providing members who wish to be on the panel opportunities to up-skill. <p>The Irish Language Office will also continuously monitor the Irish language proficiency capabilities of members working in Gaeltacht stations, analyse the data in relation to retirements and transfers, and ensure this information is used effectively to increase the number of members with fluency in Irish in Gaeltacht stations.</p>	
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Action 4:

Ensure arrangements are in place which will lead to there being a sufficient number of Gardaí with Irish assigned to Gaeltacht Service Stations (stations located outside the Gaeltacht but in districts that contain Gaeltacht areas).

Status	Key Issues	Action required	Timeframe
Ongoing	Section 33(2) of An Garda Síochána Act 2005, applies to every Garda station in a district that includes a	Development of the Irish Language Office is required to ensure that a new Irish Language Strategy is in place which will determine the percentage of Irish speakers required in Gaeltacht service stations	Autumn 2021

	Gaeltacht area. This includes a large number of stations in seven different Divisions throughout the country, e.g. Salthill Garda Station. A formal policy must be formulated to ensure this action is implemented fully.	thus guaranteeing satisfactory Irish language services are made available to the public. The Irish Language Proficiency Panel will be utilised in this regard.	
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Action 5:

Arrangements to be made regarding Gardaí who have joined An Garda Síochána through the Irish Language Recruitment Stream.

Status	Key Issues	Action required	Timeframe
Ongoing	55 members have been recruited through the Irish Stream, however, only 3 of those members are based in a Gaeltacht station. Adequate governance arrangements are required to ensure that number increases.	The organisation has made a commitment that all new trainees who join through the Irish Stream will be placed on the Irish Language Proficiency Panel and transferred to a Gaeltacht station or a Gaeltacht service station once training has been completed. The new Irish Language Strategy will ensure governance arrangements are in place to safeguard this fundamental policy.	Autumn 2021

Action 6:

Set up protocols regarding units, such as Roads Policing, that perform duties in Gaeltacht areas to ensure that such units are capable of serving the public in its preferred official language.

Status	Key Issues	Action required	Timeframe
Ongoing	Divisional Officers with identified Gaeltacht areas were encouraged in	To reconvene the Irish Language Strategic Working Group in the coming months to emphasise the importance of developing such	Autumn 2021

	October 2020 to implement protocols to ensure that regular checkpoints are conducted in Irish in Gaeltacht areas, however further measures are required to ensure consistent enforcement.	protocols for their respective Divisions, with a view to embedding these policies in the proposed new Irish Language Strategy.	
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Action 7:

Provide a training programme for members who are based in Gaeltacht stations at present to help them with their ability in the language.

Status	Key Issues	Action required	Timeframe
Ongoing	Online Irish language courses are currently being developed for the organisation and it is anticipated that the courses will be available to all personnel in the second half of 2021.	The development of the Irish Language Office is required to ensure that the correct administrative structures are in place, including, promotion of courses, record keeping of participants to include levels attained.	Autumn 2021

Action 8:

Analyse of retirement figures for Gaeltacht stations for the next five years.

Status	Key Issues	Action required	Timeframe
Completed	N/A	The development of the Irish Language Office is required to ensure the data collated in this analysis is being used to ensure our statutory obligations are met.	Autumn 2021

Irish Language Strategic Working Group

Terms of Reference

Background:

An Garda Síochána recognises the right of citizens to conduct their business through Irish and is strongly committed to providing Irish language services to members of the public, particularly to members of Gaeltacht communities. Furthermore, An Garda Síochána has a statutory obligation under Section 33(2) of An Garda Síochána Act 2005, to ensure to the extent practicable, that members stationed in a district which includes a Gaeltacht area are sufficiently competent in the Irish language to enable them to use it with facility in carrying out their duties. The Irish Language Strategic Working Group was established to ensure a coordinated and consistent approach to increasing the number of members with fluency in Irish in Gaeltacht Garda stations.

Working Group Membership:

The Irish Language Strategic Working Group will consist of the following permanent members:

- Executive Director HRPD (Chair)
- Chief Superintendent HRM
- Irish Language Officer
- Each Chief Superintendent with a Gaeltacht region in his/her Division
- A nominated Chief Superintendent from DMR Region

Objectives:

1. To implement a long-term strategy to increase the number of members who are sufficiently proficient in Irish to enable them to carry out their duties through Irish in Gaeltacht stations.
2. To ensure that over time each Garda station located in a Gaeltacht region is a fully bilingual station.
3. To ensure that over time each Garda station located outside Gaeltacht boundaries but which serves those areas become semi-bilingual stations.
4. To ensure the Irish Language Proficiency Panel is utilised effectively.
5. To ensure that appropriate Irish Language assessments are being conducted on members being considered for transfer to a Gaeltacht station.
6. To ensure best practices are shared among members.

Frequency of Meetings:

The Irish Language Strategic Working Group will convene at least twice a year or more often if required.

Review of Terms of Reference:

The Terms of Reference will be revised as required.



An Garda Síochána

Oifig an Choimisinéara
An Garda Síochána
Páirc an Fhionnuisce
Baile Átha Cliath 8
Éire
D08 HN3X



Office of the Commissioner
Garda Headquarters
Phoenix Park
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Please quote the following ref. number:

Luaigh an uimhir tharaghta seo a leanas le do thoil:

CMR 34-162304/19

An Coimisinéir Teanga
An Spidéal
Gaillimh
H91 VK23

Re: Monitoring Report 2019

A Choimisinéir, a chara,

Thank you for your correspondence of 11 August 2020 providing the 2019 Monitoring Report, the content of which has been noted and considered.

An Garda Síochána remains fully committed to the provision of policing through the Irish language and acknowledges that this is both a statutory requirement and connected to the delivery of a good policing service.

While noting that the original complaint from a member of the public emanated from Bunbeg in the Donegal Gaeltacht, the focus on solutions has rightly shifted to all Gaeltacht areas.

Before addressing the four recommendations listed in your 2019 Monitoring Report, which have their origins in the 2011 investigation, I would like to set some context by highlighting the single biggest challenge; there are insufficient numbers of Garda members with fluency in the Irish language who want to serve in Gaeltacht stations, with the exception of some Galway and Cork stations.

In essence, this is a workforce resourcing challenge in matching the skills, in this case Irish language fluency, with allocations to Gaeltacht areas. The original 2011 complaint was made at a time when the country was in the middle of a severe recession. This negatively impacted Garda strengths, including in Gaeltacht areas. In particular, the moratorium on recruitment saw Garda numbers fall from the years 2009 through to 2014, with a net decrease of 1,768¹ members during that time.

¹ Department of Justice "Garda Strength 2009 to 2016";
http://www.justice.ie/en/JELR/Pages/Workforce_plan

A 2012 review of Garda allowances also led to the elimination of the “Gaeltacht Allowance” for new recipients. This premium allowance, which was pensionable, had been a valuable incentive in encouraging those with Irish language skills to serve in Gaeltacht stations, particularly those in more remote locations. There is little prospect that this allowance will be restored.

Another factor is our national policy on restricting allocations of Garda members by not allowing them to serve in a station which is within 32 km of the residence or licensed premises of any relative or spouse’s relative. These restrictions are designed to reduce familial influence and maintain impartiality in policing.

Garda members recruited through the Irish language stream, are initially allocated to larger “training” stations to ensure that they have sufficient exposure to the experiential learning required to successfully graduate as Gardaí. Subsequently they are transferred into Gaeltacht stations or stations that service a Gaeltacht.

I am disappointed that of the 55 Gardaí recruited through the Irish stream since 2013, 18 are not currently serving in a Division with a Gaeltacht. This was largely a feature of the earlier years of the Irish language recruitment stream and may be due to a number of reasons, including transfers on welfare grounds.

Additionally, when recruitment first recommenced after the moratorium, areas of greatest need were prioritised in allocating Gardaí, in line with our goal of keeping people safe. Unfortunately, this was sometimes at the expense of allocating every member recruited through the Irish language stream to a training station in a Gaeltacht area. I have directed that there is to be no deviation from this policy with these members being transferred on completion of training to Gaeltacht stations.

The longer term solution therefore rests in both the employment and allocation of recruits with fluency in the Irish language and the encouragement of established members with similar skills to seek transfers to Gaeltacht areas. I will detail multiple initiatives we have undertaken on both fronts, since 2011, in addressing the four areas highlighted by you, below.

I have directed the following additional measures aimed at boosting the service provided by An Garda Síochána through the Irish language:

- I have directed the immediate procurement of a contract for service for Irish language phone interpretation, so that any member nationally can avail of roadside or station interpretation to deal with persons requiring services through Irish. This is the first time that a formal mechanism will be put in place to make the delivery of Irish language interpretation available through a contracted third party.
- Additionally, I have asked that the Irish Language Proficiency Panel (see below for further details) be immediately extended to include Garda staff with a view to transferring eligible fluent speakers to Gaeltacht areas.

In terms of the specific recommendations arising from the 2011 investigation, the following is an outline of actions taken in recent times and the current position in respect of each recommendation, with a list of short-term and long-term measures implemented appended at Appendix A and B, respectively.

Recommendation 1: Ensure that Gardaí competent in Irish are deployed to Gaeltacht stations

Since 2013, An Garda Síochána has continued to reserve up to 10% of each new intake of Trainee Gardaí for candidates identified as fluent Irish speakers. While the number of Irish speakers recruited through the specialist stream is disappointingly small, the establishment of the specialist Irish language recruitment stream by An Garda Síochána, in conjunction with PAS, remains a positive and proactive action in our recruitment policy.

The following table provides a breakdown of the number of members recruited under the specialist Irish language recruitment stream and where they are currently stationed:

Year of Intake	No. of Members recruited through Irish Stream	No. of members stationed in a Gaeltacht station	No. of members stationed in a Gaeltacht Service station	No. of members stationed in a Division with a Gaeltacht	No. of members stationed in a Division without a Gaeltacht
2019	3				
2018	5	0	3		2
2017	3	0	3	0	0
2016	9	0	2	2	5
2016 -Sept	8	0	4	2	2
2013	27	3	11	4	9
	55	3	23	8	18

Over the past number of years HRPD has made every effort to ensure that members recruited through the Irish stream were allocated to a training station in a Division where there is a Gaeltacht region. Probationer Gardaí are allocated based on numerous factors including; crime data, population, stations, additional policing needs and retirements. Welfare issues are also considered and newly attested members must be allocated to appropriate training stations. In addition, the 12% reduction in the overall number of Gardaí in the organisation following the moratorium on recruitment impacted on the allocation of Garda members throughout the country for a number of years. These factors, unfortunately, resulted in 18 Irish Stream Garda members, referenced in the table above, currently allocated to a Division without a Gaeltacht.

The Irish language stream will remain an important element in our future recruitment competitions and members who join the organisation through this stream will be included on the newly established Irish Language Proficiency Panel, without fail. I can confirm that all members who join the force in the future

through this specialist stream will be allocated to a training station in a Division with a Gaeltacht, unless there are unavoidable circumstances that prevent this.

As part of the training process, all Garda Trainees must meet certain critical goals. Garda Trainees are, initially, assigned to Training Stations to ensure optimum exposure to policing experiences before being transferred to more rural areas. As soon as their requisite training is complete, Irish stream language members will be allocated appropriately.

As is evident from the statistical information provided on the Irish fluency of Garda Members currently serving in Gaeltacht Stations, contained in Appendix C, some stations are well served whilst others are less so. I will ensure that Irish language stream Probationer Gardaí, on completion of their training, will be assigned to Gaeltacht Stations with a deficit. Further residual vacancies in Gaeltacht Stations will be filled from the Irish Language Proficiency Panel, where possible.

On allocation, Irish language stream members will be identified as such, both to local Garda Management and on the published Personnel Bulletin. This notification will be accompanied by instructions that such members are not Divisional resources but specifically allocated to Gaeltacht Stations and cannot be transferred, within the Garda Division, without permission from HRPD.

The Irish Language Proficiency Panel Policy issued in 2018 through a HQ Directive. This policy ensures compliance with legislative obligations, in that only Garda members who are fluent in Irish are transferred to Garda Stations in official Gaeltacht areas across the country. Appendix F contains further information on the Irish Language Proficiency Panel.

With the Irish Language Proficiency Panel now in place, local Garda Management, in consultation with HRPD, can deploy assessed Garda members from the Panel to fill vacancies arising at Garda Stations in Gaeltacht areas, where possible.

You will note some imbalance described above in terms of where members want to go and where the vacancies are. As the panel is for established Garda members, it would not be possible under the terms of the scheme of good HR practice to involuntarily transfer an applicant from say Galway to either Donegal or Kerry for example.

Through close monitoring, the Irish Language Proficiency Panel will continue to be utilised to systematically increase the number of Gardaí, fluent in Irish, in Gaeltacht Stations or those that serve Gaeltacht areas when the opportunity arises, with the following actions being carried out;

- An information and awareness campaign, through which local management, in Divisions which include Garda Stations in identified Gaeltacht areas, will be reminded of their responsibilities under the provisions of HQ Directive No. 49/2018, titled 'Irish Language Proficiency Panel'.

- HRPD will continue to work with local management regarding any transfers to / from Garda Stations in Gaeltacht areas, to ensure, insofar as practicable, that only Garda members who have the required level and fluency in Irish are transferred to such Garda Stations.
- Bi-annual reminders are published through our internal communications platforms to maintain awareness of the Irish Proficiency Panel and increase the numbers already included. The most recent notice was published in July 2020.

Every effort will be made to expand the Irish Language Proficiency Panel. Assessments for inclusion on the panel are now being done via video conferencing and take place shortly after a member has applied. This ensures that members with the appropriate proficiency in Irish can be included on the panel throughout the year and without delay.

The measures outlined above have been put in place in order to ensure that An Garda Síochána is continuing to make every effort to remain compliant with the provisions of section 33(2), Garda Síochána Act, 2005.

As you will note from Appendix C we have 12 stations with 100% of members fluent in Irish, one station with over 50% of the members fluent and eight stations with less than 50% of members with fluent Irish. An Garda Síochána has carried out extensive analysis since June 2020 on the Irish language proficiency of members stationed in Gaeltacht stations and the potential to increase this number through retirements in those areas. Data in relation to retirements can be found in Appendix E.

Appendix D contains data on members who have been identified as having proficiency at Level 3 or below. Funding has been approved for Irish language training and An Garda Síochána will work with Gaelchultúr to develop a suite of on-line Irish languages courses, which will be accessible to all personnel. Two courses will be developed targeting learners at level 2 and 3, with completion dates now being finalised.

The current staffing situation in Garda Stations in identified Gaeltacht areas remains under constant review. The availability of assessed and proficiently fluent Garda members at Garda and Sergeant ranks listed on the Irish Language Proficiency Panel and appropriate processes and procedures in place within HRPD, in conjunction with local management, will all assist in increasing the number of Irish speakers in these Garda Stations.

In the long-term, meeting and managing the legislative and statutory obligations of An Garda Síochána will require strategic, managerial and operational collaboration across the organisation.

As you will note from the Irish Stream table above there are fluent Irish speakers dispersed across the Divisions that serve a Gaeltacht area and feedback from local management is that a level of service through Irish is being provided.

We are of course working towards a situation whereby every Gaeltacht station can provide a service through Irish when required. The relevant Divisions can be nominated by Garda Members who wish to be placed on the Irish Language Proficiency Panel and HRPD will work with the local management in those areas to ensure that we continually increase our compliance with the legal obligations.

Recommendation 2: Ensure findings and recommendations of the investigation are not to be used as an excuse to reduce or slow the provision of an appropriate policing service for the area in question.

This recommendation has been considered, in consultation with Senior Garda Management, and I am to advise that the findings and recommendations of the 2011 investigation were not used as an excuse to reduce or slow the provision of an appropriate policing service in Gaeltacht areas.

Recommendation 3: Implement an appropriate language testing system for An Garda Síochána to assess the Irish language fluency of members when it is proposed that they may be stationed in a district with a Gaeltacht area

A new system of assessment, including a new Irish Language Proficiency Framework, has been developed, specifically for An Garda Síochána. This system has been rolled out and is being implemented across the organisation to identify and facilitate Garda members with specific fluency in the Irish language.

RECOMMENDATION 4: Examine if there were implications from the decision of this investigation in relation to all the districts of An Garda Síochána with Gaeltacht areas and, if there were, that these be addressed to ensure compliance with the statutory language obligations.

I am to advise that this recommendation has been fully implemented. The specific measures undertaken are those outlined in Appendices A and B.

An Garda Síochána remains fully committed to implementing the recommendations identified by you and your office, arising from investigations, audits and inspections and resulting in Lessons-Learned.

I believe the content of this report clearly illustrates the willingness of the organisation and its management team and members to, insofar as possible, ensure legislative compliance, in spirit and through our actions.

My Senior Management Team and I wholeheartedly understand the importance of complying with our obligations, duties and responsibilities in ensuring the use, proficiency and fluency of the Irish language, in our daily interactions with Irish citizens, and particularly those within identified Gaeltacht areas.

I believe I have outlined the commitment and ongoing efforts being made to ensure compliance with Section 33(2) of the Garda Síochána Act 2005, as amended. I look forward to working together and welcome the continued communications between our organisations in progressing positive actions in this regard.

I am happy to meet with you to further discuss these matters if you so wish.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J A Harris', with a stylized, cursive script.

**J A Harris
Commissioner
An Garda Síochána**

20 November 2020

An Bun Beag:

- Transfers were made wherever possible and the number of fluent Irish speakers in the station was increased, with the remaining members undertaking Irish language training.
- A sergeant with fluency in Irish was appointed to An Bun Beag station. This sergeant is still in An Bun Beag Garda station and has been heavily involved in promoting Irish within the station and ensuring members of the public are afforded the services they require in either official language.
- Visits and inspections by senior management to An Bun Beag Garda station to create awareness of obligations.

Additional Measures:

- Other Gaeltacht stations were reviewed and transfers made wherever possible.
- Up to 10% of each new intake of Trainee Gardaí is reserved for candidates identified as fluent Irish speakers.
- Establishment of the Irish Language Office
- Full integration of the Irish Language Office into HRPD enhancing the embedding of Irish Language requirements into all HR policies and processes
- Implementation of new assessment system including a new Irish Language Competency Framework
- Development of the Irish Language Proficiency Panel.
- Funding of a Gaeltacht Immersion Programme. An initiative that offers members from all over the country 3 day immersion courses in various Gaeltachts throughout the country.
- Irish Language Awareness Campaigns.
- Analysis of retirement data in respect of Gaeltacht Stations.
- Renewed identification of Ongoing Irish Language Training Needs.
- Irish language in-service programme for An Garda Síochána began in 2011 which included in-service for members in the Donegal Division.

Appendix A Measures undertaken by An Garda Síochána to implement recommendations of An Coimisinéir Teanga

- Irish Language Expression Cards containing useful expressions in Irish were developed to assist members of the organisation when dealing with a member of the public through Irish.
- An Garda Síochána has been involved with Oireachtas na Gaeilge for the past number of years in an effort to engage positively with members of the Irish speaking community
- Members from An Bun Beag Garda Station have been engaging with Raidió na Gaeltachta in Donegal for a number of years now. A new Crime Prevention 'slot' is being developed for Raidió na Gaeltachta, during which the assistance of listeners will be sought, by local Gardaí, in respect of serious crime incidents which have occurred recently in the locality.
- Kerry Division established an initiative within identified Gaeltacht areas whereby the Divisional Roads Policing Unit regularly conducted Mandatory and Other Checkpoints, operating solely through the Irish language, in Gaeltacht areas. Other Divisional Officers with identified Gaeltacht areas have been encouraged to implement a similar initiative.
- Funding has now been approved to develop online Irish language courses.

New Initiatives – Nationwide Roll-Out Following Successful Pilots:

- Assistant Commissioner, North-Western Garda Region, which includes the Garda Divisions with the most identified Gaeltacht areas, has launched an Irish Language Champion initiative in an effort to further promote Irish within the organisation and encourage staff to use as much Irish as they can. A list of Irish Language champions has been compiled for the Region and these Language Champions will play an important role in helping to raise the profile of Irish within their Districts/Divisions and will be in a key position to deliver important messages relating to the language. It is hoped the Irish Language Champions will communicate the positive Irish language initiatives taking place in their area as well as encourage more members to use Irish on a regular basis. If successful, it is anticipated that this initiative may be replicated in other Regions.
- A new social media initiative has also been initiated in the North-Western Region to promote Irish within the organisation and increase the use of the

Appendix A Measures undertaken by An Garda Síochána to implement recommendations of An Coimisinéir Teanga

language on the organisation's social media pages. A panel of fluent speakers will be trained shortly by the Press Office and will be available to conduct media interviews locally and nationally through the medium of Irish.

- Divisional Officers in the North-Western Region have been recently requested to undertake initiatives in promoting the Irish language within their respective Divisions giving consideration to the Garda Schools Programme, encouraging personnel to conduct interviews on crime matters and conducting any other local initiatives in the Irish language. Divisional Officers have also been directed to factor some element of this into their Policing Plans for 2021 and show the efforts made to improve and promote the use of the Irish Language.

Number	An Coimisinéir Teanga required Action as per correspondence dated 15 April 2019	An Coimisinéir Teanga comments on An Garda Síochána November 2019 response -	An Coimisinéir Teanga Response - April 2020	An Garda Síochána Response – June – July 2020	An Garda Síochána update - November 2020
1.	Training Examiners in new Assessments System Set timetable for training examiners.	We were informed that 9 examiners had been trained.	<p>We have been informed by An Garda Síochána that a system has been devised to test Irish Language Proficiency. However it is our understanding that An Garda Síochána are still relying on the result achieved when qualifying as a Guard as a measure of proficiency. Therefore it is difficult to be fully confident regarding the level of proficiency reported, except for the nine members examined on 11th September 2019.</p> <p>As I understand it this new system developed by An Garda Síochána has been examined by a language training company and</p>	<p>June 2020</p> <p>“9 examiners were trained in April 2019 and the Irish Language Proficiency Panel was established in September 2019. The qualified examiners carried out Irish language assessments, under the new system, for inclusion on the Irish Language Proficiency Panel (ILPP) in September 2019. As stated in the Action Plan this panel includes members who have expressed their interest in serving in a Gaeltacht Station and who have demonstrated proficiency at Level 4 or above in the new Oral Irish Proficiency Assessment.”</p>	This action has been fully implemented.

Appendix B

Updated Response to An Coimisinéir Teanga Correspondence of 15th April 2020

			<p>received positive feedback. I understand from the response provided that the appropriate training has been received by nine staff in order to carry out assessments in Gaeltacht Stations. I have not been informed of any definite timeline to carry out these Irish language proficiency assessments.</p>		
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Number	An Coimisinéir Teanga required Action as per correspondence dated 15 April 2019	An Coimisinéir Teanga comments on An Garda Síochána November 2019 response -	An Coimisinéir Teanga Response - April 2020	An Garda Síochána Response – June – July 2020	An Garda Síochána update - November 2020
2.	<p>Timetable for Assessments</p> <p>2.1. Clear timetable for assessments for Irish Language Proficiency Panel</p> <p>2.2 Clear timetable for assessment of all Gardaí based in Gaeltacht stations forwarded to this office.</p>	<p>This information was not provided. However we were informed of:</p> <ul style="list-style-type: none"> • Budget to be agreed (reviewed in 2020); • Reminder on Directive to be issued in November 2019; • Time and date of assessments to be set (to be reviewed in 2020); 	<p>Although suitable staff have been trained to carry out assessments, there is no deadline or system to carry out assessments outlined. We were informed that this would take place in 2020. We have not been informed that this process has commenced.</p> <p>As an amendment to the Action Plan, we were informed that 11 members were assessed in the Garda College regarding proficiency for inclusion on the Irish Language Proficiency Panel on 11th September 2018.</p>	<p>July 2020</p> <p>2.1. “Assessments for the Irish Language Proficiency Panel took place in September 2019. HQ Directive 49/2018 was re-issued in June 2020 in an effort to attract more members to the Panel. Two new members expressed their desire to be included on the panel. One of those members has since been added to the panel while arrangements are being made regarding a date to carry out the assessment with the other member.</p> <p>The Panel now has 10 members, all at Garda rank. The Directive will be issued again in December 2020 with the intention of expanding the Panel. Language assessments will take place</p>	<p>These actions have been fully implemented.</p> <p>2.1 Assessments for inclusion on the ILPP These assessments were to be carried out twice a year, however, due to public health guidelines these assessments will now be carried out via video conference. Once a member requests an Irish language assessment for inclusion on the ILPP they will be facilitated without delay. Two members have been assessed since June 2020 and one further member will be assessed shortly.</p> <p>2.2 Assessing the language proficiency of members based in</p>

		<ul style="list-style-type: none"> • Members who have responded to be informed of time of assessment (to be reviewed 2020); • Budget for 2020 to be approved (decision regarding same to be made by end of 2019) and • Logistics to be arranged on how to assess Members already stationed in Gaeltacht Stations (decision to be 		<p>twice a year from here on out for members who wish to be included on the panel.</p> <p>2.2. “Each Garda Division was requested to ensure that each serving member who classified his/her spoken level of Irish as Level 4 or 5, using the self-assessment tools and criteria from the new Oral Irish Proficiency Framework, be identified.</p> <p>Appendix A shows the number of members currently working in Gaeltacht stations who have identified themselves as being proficient Irish speakers. As you are aware there were issues surrounding the accuracy of the old Irish language assessments and it is for this reason it was recommended a new assessment system be designed. We believe the new figures based on the self-assessment results from the new system are accurate.</p>	<p>Gaeltacht stations</p> <p>These assessments have been carried out using the self-assessment tools attached to the new Irish Language Proficiency Framework. The figures provided to the Office of An Coimisinéir Teanga Office in July 2020 were based on information HR held following an nationwide Irish language audit for the organisation in 2018/2019. The returns in 2019 only included members who had identified as being fluent speakers, those at Level 4 or 5. A new audit, therefore, was conducted in August 2020 which required each member currently serving in a Gaeltacht Garda station to indicate what level of Irish they have, this included all levels of proficiency on the new framework. A return was received from each member serving a</p>
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		made by end of 2019.)		<p>The only concern we would have is that some members who identified themselves at being proficient at Level 3 may have underestimated their capabilities. It is for this reason that we have requested that each Divisional Officer with a Gaeltacht station in their jurisdiction return to members and request all levels of proficiency to be identified, this will include members from Level 1 to 5.</p>	<p>Gaeltacht station apart from one member who is currently on long-term sick leave in Mayo and a return cannot be obtained at this time. Following the 2020 Audit, additional informal assessments were carried out on some members to ensure accuracy.</p>
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Appendix B

Updated Response to An Coimisinéir Teanga Correspondence of 15th April 2020

Number	An Coimisinéir Teanga required Action as per correspondence dated 15 April 2019	An Coimisinéir Teanga comments on An Garda Síochána November 2019 response -	An Coimisinéir Teanga Response - April 2020	An Garda Síochána Response – June – July 2020	An Garda Síochána update - November 2020
3.	<p>Arrangements in relation to transfer of Gardaí with Irish to Gaeltacht stations including Promotions etc.</p> <p>The arrangements for implementation are to be clarified in order to guarantee that Members proficient in Irish are appointed to stations situated in Gaeltacht regions for appointments made as a result of:</p> <ul style="list-style-type: none"> • promotion; • appointments from internal Garda transfer 	<p>Remind all Chief Superintendents who preside over a region that encapsulates a Gaeltacht area:</p> <ul style="list-style-type: none"> • only Members that have succeeded in the assessment be transferred (to be included in the Workforce Strategic Plan 2020-2022); • A panel of Members proficient in Irish to be 	<p>It was one of the recommendations of the investigation that Irish language ability would be assessed at the point of transfer of a Guard to a station in a Gaeltacht region. As a first step this office would hope that it was ensured that Members proficient in Irish were put to these stations in the Gaeltacht. We are aware that a HQ Directive was issued in 2018 stating that Members with a suitable proficiency in Irish, from a specific panel, would fill appointments to Gaeltacht stations.</p> <p>However we are not aware of specific measures in place for</p>	<p>June 2020</p> <p>“As you are aware, HQ Directive 49/2018 was issued in 2018 to ensure that any Garda being transferred to a Gaeltacht station had fluency in Irish. The Directive states that when a Chief Superintendent wishes to transfer a Garda member to a Gaeltacht station they must first ensure that the intended member has sat the new assessment and achieved the appropriate grade. A minute was issued to each Chief-Superintendent with a Gaeltacht region in their Division in May 2019 reminding them of this obligation. These minutes will be issued</p>	<p>The following arrangements will ensure only Gardaí with Irish are transferred to Gaeltacht stations:</p> <ul style="list-style-type: none"> ▪ Continuation of the Irish Language Stream in the recruitment policy in all future recruitment campaigns with appropriate targeted promotion to highlight when the competitions are running. ▪ Ensure that members who are recruited through the Irish stream are allocated to a training station in a Division with a

	<p>panel;</p> <ul style="list-style-type: none"> any other arrangement. 	<p>established as soon as possible (to be reviewed in 2020);</p> <ul style="list-style-type: none"> To ensure that these steps are taken as soon as possible (to be reviewed in 2020). 	<p>transfers or appointments made as a result of promotion or arrangements whereby no member is available from the established panel. We understand that Chief Superintendents are aware and alert to the necessary language requirement when filling a vacancy in a Gaeltacht Station but I believe that a clear directive should be in place so that only Members proficient in Irish are based in these stations. It is interpreted from your response that these actions have been put back to 2020. There seems to be no certainty that any of these will be implemented or a definite deadline attached to any one of them.</p>	<p>on a regular basis to ensure that each Chief Superintendent is aware he/she must arrange to have Gardaí sit the new assessment before being transferred. The HQ Directive has also been reissued to all Garda staff and it is hoped that this will assist in increasing the numbers on the Irish Language Proficiency Panel which was established in September 2019. As previously mentioned, only 11 members had applied to be appointed to the ILPP, and only 9 members were successful. As the Panel progresses, allocations will be considered for all movements of Garda Members (transfers, promotions etc.) having regards to those on the panel.</p> <p>In addition, a new Strategic Workforce Plan is being considered and drafted by</p>	<p>Gaeltacht area and following their training transferred to a Gaeltacht station.</p> <ul style="list-style-type: none"> Current Irish stream probationer Gardaí to be transferred to a Gaeltacht station when training is complete. Transfer of Irish stream members not permitted unless permission is granted by HRPD. Regular engagement with Divisional Officers to ensure provisions as laid out in HQ Directive 49/2018 are observed. Irish Language Panel to be updated regularly and additional efforts to
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An Garda Síochána in light of our recently designed Operating Model and the allocation of Garda Members with proficiency in Irish to Gaeltacht Stations and the requirements surrounding same will be addressed in the new Plan.”

July 2020

“As you are aware, HQ Directive 49/2018 was issued in 2018 to ensure that any Garda being transferred to a Gaeltacht station had fluency in Irish. As was discussed with your office previously the Directive will be issued twice a year and a note to Chief Superintendents will also be issued regularly. As mentioned above, a meeting of the Irish Language Strategic Working Group has been scheduled for the September 2020. This is also an opportune time to remind Chief Superintendents of our

be taken to increase the number of members on the panel, this will include regular reminders regarding the panel and facilitating members who wish to take the assessment. The panel currently includes members of Garda and Sergeant rank.

				<p>obligations regarding transfers to Gaeltacht stations. As a result of the various changes in personnel this group has not met in the past year and a half. This group will begin meeting again twice a year to ensure that only members from Irish Language Proficiency Panel are transferred to Gaeltacht stations as stated in HQ Directive 49/2018.</p>	
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Appendix B

Updated Response to An Coimisinéir Teanga Correspondence of 15th April 2020

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4.	<p>Arrangements in relation to Gardaí stationed in a District where there is a Gaeltacht area</p> <p>To clarify and implement definitive arrangements that would ensure that there would be enough Members with Irish on duty in stations in a district where there is a Gaeltacht region.</p>	<p>We were provided with information in relation to the following:</p> <ul style="list-style-type: none"> • Strategic Workforce Plan (January 2020); • List of Stations serving Gaeltacht areas being compiled (In progress, 2019); • HQ Policy or Directive to be drafted (to be included in Work Force Strategic Plan 2020-2022); • Review promotions 	<p>Although appropriate actions have been identified, and work started on two out of the four, there is no deadline mentioned in relation to any and none have been completed to date despite 9 years after the recommendations being made. It was mentioned in the letter sent with the Action Plan that An Garda Síochána would be in contact with the Language Commissioner regarding this review on the promotion competition for Sergeants and Inspectors. No contact has been made with my office on this matter since we received the letter on 4th November 2020.</p>	<p>June 2020</p> <p>When considering the number of Irish speaking Gardaí in stations that include a Gaeltacht area, The Irish Language Proficiency Panel will also be used. As with point 3 above, once sufficient numbers are available to Garda HR through the Irish Language Proficiency Panel rostering arrangements will be agreed with relevant Chief Superintendents.</p> <p>It is important to note that An Garda Síochána is currently in the process of the biggest reorganisation of the force since its foundation. The new model being implemented will involve a complete restructuring of the current Divisions and a move away</p>	<ul style="list-style-type: none"> ▪ A list of stations that serve Gaeltacht areas has been compiled. ▪ The Irish Language Proficiency Panel will be utilised in this regard.

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		competition for rank of Sergeant and Inspector (commenced).		<p>from the district model.</p> <p>July 2020 As stated in my correspondence dated 10th June 2020, when considering the number of Irish speaking Gardaí in stations that include a Gaeltacht area, The Irish Language Proficiency Panel will also be used. As with point 3 above, once sufficient numbers are available to Garda HR through the Irish Language Proficiency Panel rostering arrangements will be agreed with relevant Chief Superintendents. An Garda Síochána is currently in the process of the biggest reorganisation of the force sin its foundation. The new model being implemented will involve a complete restructuring of the current Divisions and a move away from the district model.</p>	
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5.	Irish Stream Arrangements To inform of the arrangements in place regarding Members recruited through the Irish Language Stream and specifically whether they are posted to stations based in the Gaeltacht or in a district serving a Gaeltacht area. We are not aware of any arrangement or specific timetable regarding this.	An Garda Síochána committed to the following: <ul style="list-style-type: none"> • That members are reminded that their probationary period isn't finished until they have spent time in the Gaeltacht (December 2019); • That these members are transferred to Gaeltacht stations (at a suitable time); • That qualified members are reminded that they gave a 	<p>Although more than 30 members have been recruited through the Irish Language Stream since 2014, we have received no information about the number of these recruits stationed in Gaeltacht areas, if any.</p> <p>There is no policy in place to make arrangements to transfer these members from their training stations to a Gaeltacht Station when their probationary period is completed. No deadline is given regarding when this policy will be put in place.</p>	June 2020 "As the Irish Language Proficiency Panel has now been established, any new member entering the organisation through the Irish Stream will be included on the Panel. In relation to members who were recruited through this stream since 2014, and who have completed their probationary period, some have been stationed in Gaeltacht stations or stations that serve a Gaeltacht area. The remaining members who have not been transferred will be reminded of the commitment they gave when they joined and they will be asked to confirm their willingness to transfer to a Gaeltacht area or a station serving a Gaeltacht area. A	<ul style="list-style-type: none"> ▪ Information regarding the number of Irish stream recruits and their locations is provided. ▪ All new trainees who join through the Irish stream will be placed on the Irish Language Proficiency Panel and transferred to a Gaeltacht station or Gaeltacht service station. ▪ Current Irish stream probationer Gardaí to be transferred to a Gaeltacht station when training is complete. ▪ On allocation, Irish

		<p>commitment when they joined the force. (This office is of the understanding that this commitment is to spend about 5 years in a station in a Gaeltacht region.) (December 2019);</p> <ul style="list-style-type: none"> • That Members recruited through the Irish Language Stream are put on the Irish Language Proficiency Panel; • That a record is kept of the choice of Gaeltacht station recorded by Members that 		<p>minute has been drafted for these members and is being reviewed in relation to industrial relations mechanisms. Contact will be made with these members once the minute has been reviewed. Your Office will be kept informed of any new developments and a list of those currently serving in Gaeltacht stations or Gaeltacht District stations can be provided to your office at your request.”</p> <p>July 2020 The Irish Language Stream in the recruitment process is an example of how An Garda Síochána has endeavoured to implement An Coimisinéir Teanga recommendations over the years. To date, 43 members have been recruited through the Irish stream. The Irish Language Office is working alongside my office to collate information regarding those members recruited through</p>	<p>language stream members will be identified as such, and Divisional Officers will not be permitted to transfer these members without permission from HRPD, thus ensuring Irish stream members are only transferred to Gaeltacht stations or stations that serve a Gaeltacht.</p> <ul style="list-style-type: none"> ▪ All Irish stream members have been contacted reminding them of the commitments they gave when joining. ▪ Irish stream members who have completed probationary Period were contacted and asked to confirm their willingness to transfer to a
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Updated Response to An Coimisinéir Teanga Correspondence of 15th April 2020

		<p>enter through the Irish Language Stream (December 2019);</p> <ul style="list-style-type: none"> • That a policy is prepared incorporating the above points (January 2020). 		<p>that stream, their current stations etc. That information will be forwarded to your office shortly.</p> <p>Some members recruited through the Irish Language Stream who have completed their probationary period are currently serving in Gaeltacht stations and some are serving in stations that serve a Gaeltacht region. All members recruited through the stream who have completed their probationary Period will be contacted next week and reminded of the commitments they gave when they joined. They will be asked to confirm their willingness to transfer to a Gaeltacht station or a station serving a Gaeltacht area. We will contact your office when we have further information. The other members from the Irish Stream will be transferred to a Gaeltacht station or a station that serves a Gaeltacht region once their probationary</p>	<p>Gaeltacht station or a station serving a Gaeltacht area.</p> <p>Members who responded positively have been included on the Irish Language Proficiency Panel. Some members have indicated that they are not willing to be transferred at this time due to welfare issues.</p>
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				<p>period is completed and their Chief-Superintendent deems it appropriate. Over the past number of years Garda HR have ensured that members who were recruited through the Irish stream have been allocated to a training station in a Division where there was a Gaeltacht region.</p>	
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6.	Protocol Regarding Specialised Units To establish a protocol regarding Units, e.g. The Roads Policing Unit, on duty in a Gaeltacht region to ensure that they have an ability to serve the public in either official language.	We were informed: <ul style="list-style-type: none"> • That HQ Directive 049/2018 would be updated or another HQ Directive would be prepared to include units such as the Roads Policing Unit (January 2020); • That Chief Superintendents that have a Gaeltacht area in their jurisdiction are aware a complaint has been made (in 	Even though some actions have been recommended here, none was to commence until January 2020, nor was there any deadline attached to anyone in relation to achieving a final result. Regarding members recruited through the Irish Language Stream, it was directed at those who 'wished to be transferred' only, an action for which one could not be certain of any result.	June 2020 "An Garda Síochána's Strategic Workforce Plan is currently being redrafted having regard to the restructuring that is taking place under the design of the Organisational Operating Model that was announced in August 2019. This will include a new Local Policing Model that is based on functional areas rather than Districts. Within that Local Policing Model the Workforce Plan will look to ensuring that the right people are in the right place with the right skills. As part of this, Irish language requirements will be mainstreamed into the planning and recruitment processes. This will ultimately include the recruitment, promotion,	In addition to information given in June 2020 and July 2020, Divisional Officers with identified Gaeltacht areas were contacted by HRPD in September 2020 and encouraged to implement regular checkpoints in Irish in Gaeltacht areas.

- progress);
- That members recruited through the Irish Language Stream are utilised if they wish to transfer (January 2020);
 - That a competition for these units is designed for members proficient in Irish (January 2020).

allocation and transfer of all Garda Personnel (Garda Members and Garda Staff). It will also addresses future gaps in terms of departures through retirements etc.

July 2020

“As mentioned in my correspondence dated 10th June 2020, An Garda Síochána’s Strategic Workforce Plan is currently being redrafted having regard to the restructuring that is taking place under the design of the Organisational Operating Model that was announced in August 2019. This will include a new Local Policing Model that is based on functional areas rather than Districts. Within that Local Policing Model the Workforce Plan will look to ensuring that the right people are in the right place with the right skills. As part of this, Irish language requirements are being mainstreamed into the planning and recruitment processes.”

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7.	<p>Training Programme</p> <p>To make available a Training Programme for members stationed in Gaeltacht Stations at present to help them improve their proficiency. We understand that this was available before this but it is unknown if this will be recommenced in the future.</p>	<p>We were informed:</p> <ul style="list-style-type: none"> • That a request would be made for substantial funding to be approved to develop 4 online courses in line with the Proficiency Framework (November 2019) and • That contact would be made with Gaelchultúr to develop an Irish Language course for the organisation when funding is approved 	<p>There is no certainty that funding will be approved for this, nor is there any deadline given for when courses will be developed or available. No additional information has emerged from An Garda Síochána since stating that funding had been approved, that a course is being developed or that a start date has been set for a course.</p>	<p>June 2020</p> <p>“Due to the COVID-19 pandemic the Garda College was closed in March 2020 and only necessary Firearms and Driving training continued. Whilst a number of trainees commenced training on 25th May this was with blended delivery using online methods where appropriate. It is anticipated that the Garda College will continue to operate is a very limited capacity for the coming months in order to comply with the current public health restrictions. In light of this the Garda College is undertaking a complete review of the Training Plan and associated budget for 2020 and running into 2021. My Office will ensure that Irish Language</p>	<p>A proposal was received from Gaelchultúr in October 2020 in relation to online Irish language training for the organisation. Funding has been approved and courses will be targeted at learners at level 2 and 3.</p>

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Updated Response to An Coimisinéir Teanga Correspondence of 15th April 2020

(December 2019).

Training Programmes is included on the agenda as a priority item when while discussions on the revised plan are being undertaken.”

July 2020

“The Irish Language Office had a meeting with Gaelchultúr on the 16th July 2020 and a proposal to develop online Irish language courses which will be accessible to all Garda staff will be included on the agenda as a priority item when the Garda College reviews the Training Plan and budget for 2020/2021. We will contact your office as soon as we have any further updates on this matter.

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8.	Analysis of members retiring. Summary information regarding this was made available during 2018. This analysis was conducted in an effort to get a greater understanding of the vacancies arising during the coming years. It is unknown, however, that distinction was made in the analysis between members with sufficient proficiency in Irish along with members without sufficient proficiency in Irish.	<ul style="list-style-type: none"> Exact details of members in Gaeltacht Stations who are proficient in Irish will be provided to the Language Commissioner when the assessments are conducted (under review at present) It will be ensured that a member from the Proficiency Panel will replace a member who retires from a Gaeltacht Station 	<p>Although accurate figures about this were sought from An Garda Síochána in correspondence dated 15th April 2019, these figures were not included in the response provided seven months later. It was explained that they could not be made available until the assessment process, for which there is no deadline, is in place and assessments conducted on all current members.</p> <p>In Appendix E of the letter dated 4th November, a graph was provided showing the percentage of Members in Gaeltacht stations proficient in Irish, but this came with a caveat that these figures were based on the old assessment system.</p>	<p>June 2020 “We understand the importance of gathering data in relation to retirements as a way to identify opportunities to increase the number of Gardaí with fluency in Irish in Gaeltacht stations. We have previously provided your office with this information and will do so on a regular basis from now on. As for the distinction between members with sufficient proficiency in Irish along with members without sufficient proficiency in Irish, we are currently analysing these figures and they will be made available to your office without delay. “</p> <p>July 2020 “As promised, please see Appendix B for information in relation to retirements in</p>	<p>Analysis on the following has been carried out since June 2020:</p> <ul style="list-style-type: none"> The number of fluent Irish speakers in Gaeltacht stations based on the new assessment system. The level of Irish language proficiency of all members in Gaeltacht stations. The potential to increase the number of fluent Irish speaking Gardaí in Gaeltacht stations over the next five years.

Appendix B

Updated Response to An Coimisinéir Teanga Correspondence of 15th April 2020

		(Ongoing). Note – a copy of the analysis on members retiring from Gaeltacht Stations was provided as an appendix. There was no breakdown of Language proficiency.		Gaeltacht stations over the next 10 years. This is valuable information and we will ensure that any member who retires will be replaced by a member with fluency in Irish.	
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The Irish Language Proficiency Panel (ILPP) was established in September 2019 and currently consists of 20 members. Members who wish to be transferred from the panel must submit an official transfer application and must have completed their training.

Seven members have been included on the panel after successfully meeting the required criteria in the new Irish language assessment system, 13 members from the Irish stream have also been included after they expressed an interest in transferring to a Gaeltacht station or a Gaeltacht service station. However, of the 13 Irish stream members on the panel, six are probationer Gardaí and a further four, who have completed their probation, are already stationed in a Gaeltacht service station and have requested a transfer to a Gaeltacht station or Gaeltacht service station in another Division.

To date, four members from the ILPP have transferred to a Gaeltacht station or a Gaeltacht service station. There are now twenty members remaining on the ILPP.

A breakdown of the panel is as follows:

1. Number of members who have submitted official transfers	8
2. Number of members who have not yet submitted official transfers	6
3. Number of Probationer Gardaí	6
Total numbers on the ILPP	20

1. Members who have submitted official transfer applications can be considered once a replacement member is available to the Division concerned. It is notable that seven members have applied for a transfer to the Galway Division, a Division where there is already a high level of compliance with the provision in question.

2. Members who have not submitted official transfer applications cannot be considered for a transfer at this time. These members have been contacted and advised that an official transfer application must be submitted if they wish to remain on the ILPP.

3. Probationer Gardaí cannot be transferred to a Gaeltacht Station or a Gaeltacht Service Station until their training is complete.

A Choimisinéara, a chara,

Firstly, I would like to offer my sincerest apologies for the delay in responding to your correspondence, dated 22nd November 2019 and 12th December 2019. There are a number of reasons this error occurred, including change in personnel in a number of departments and, more recently, the outbreak of Covid-19. I trust you have since received the information you requested in relation to the number of Gardaí with fluency in Irish working in Gaeltacht stations.

I understand that prior to my position as Executive Director of HRPD an Irish Language Strategic Working Group had been established, which included representatives from your office as well as Chief-Superintendents whose Divisions contains a Gaeltacht area. I believe this to be a worthwhile venture and am very eager to re-establish this forum with your office. We can arrange a meeting at your earliest convenience.

Although progress has been delayed at times, I'm sure you would agree that An Garda Síochána has implemented some very positive measures since Investigation IM241-B was published in 2011. Following those recommendations the following actions have taken place:

- There has been a steady increase over the past number of years in the number of Gardaí with fluency in Irish working in Gaeltacht stations.
- An Irish Language office was established for the organisation to support senior Garda management with Irish language policies and to help raise the profile and status of the language in An Garda Síochána.
- An Irish Language Stream was incorporated by the Public Appointments Service for each new recruitment competition for An Garda Síochána since 2014.
- A new system of assessment was devised for the organisation, including a new Irish Language Competency Framework. This is based on the Common European Framework of Reference for Languages.
- HQ Directive 049/2018 was issued in September 2018 to develop an Irish Language Proficiency Panel (ILPP) which includes members interested in serving in Gaeltacht stations and who have demonstrated proficiency at Level 4 or above in the new Oral Irish Proficiency Assessment.
- The Irish Language Strategic Working Group was formed with your Office and I believe it is imperative that we reconvene at the earliest opportunity.
- Funding was provided for Irish Language Gaeltacht courses which has seen hundreds of members attend in the past 8 years.
- Several Irish Language Awareness Campaigns have taken place within the organisation since 2012.

In addition to the actions above, Human Resources and People Development in An Garda Síochána is undergoing a systematic restructure. This will result in, amongst other things, a cohesive and standardised approach in all our Workforce Planning and Recruitment processes. As this restructure continues I am ensuring that the Irish language requirements within the organisation are being mainstreamed into all our HR activities. Our People Strategy 2019 - 2021, which was published in May 2019 commits to attracting, retaining and developing a diverse workforce to provide exceptional policing to the communities we serve. Those attraction, retention and development policies will ultimately include our Irish Language requirements as a matter of course.

HR
Letter
June
2020

In relation to the Action Plan An Garda Síochána submitted to your office in November 2019 and the information you requested subsequently, I would like to update you on the following:

1. Timetable for training examiners

9 examiners were trained in April 2019 and the Irish Language Proficiency Panel was established in September 2019. The qualified examiners carried out Irish language assessments, under the new system, for inclusion on the Irish Language Proficiency Panel (ILPP) in September 2019. As stated in the Action Plan this panel includes members who have expressed their interest in serving in a Gaeltacht station and who have demonstrated proficiency at Level 4 or above in the new Oral Irish Proficiency Assessment.

2. Timetable for assessments

As mentioned above the Irish Language Proficiency Panel has been established and assessments have taken place on all members who responded to HQ Directive 49/2018. 11 members had applied to be appointed to the ILPP, however, only 9 members obtained the required grade and only those members were placed on the Panel. It was agreed that members would be given the opportunity to undertake the assessment at least twice a year, however, due to the outbreak of Covid-19, the assessments have not taken place this yet year. It has been agreed that assessments for inclusion on the ILPP will take place again by September 2020. As the Garda College is now closed and in order to adhere to public health guidelines the assessments will be done via video conferencing.

In relation to assessing the Irish language proficiency of members currently serving in Gaeltacht stations, issues have been raised surrounding the possibility of some member's reluctance to undergo an oral Irish assessment. Engagement with the Garda Associations has been commenced in relation to this issue so that a suitable option is agreed upon as soon as possible.

In the meantime, however, in an effort to accurately measure the Irish language proficiency of members of An Garda Síochána, particularly those based in Gaeltacht stations, An Garda Síochána requested each Division to ensure that each serving member identified his/her spoken level of Irish using the self-assessment tools and criteria from the new Oral Irish Competency Framework. Each member was requested to review the Oral Irish Proficiency Self-Assessment Tools and advise their perceived level of Oral Irish. That data is currently being analysed and will be made available to your office shortly.

3. Arrangements in relation to transfer of Gardaí with Irish to Gaeltacht stations including Promotions etc.

As you are aware, HQ Directive 49/2018 was issued in 2018 to ensure that any Garda being transferred to a Gaeltacht station had fluency in Irish. The Directive states that when a Chief Superintendent wishes to transfer a Garda member to a Gaeltacht station they must first ensure that the intended member has sat the new assessment and achieved the appropriate grade. A minute was issued to each Chief-Superintendent with a Gaeltacht region in their Division in May 2019 reminding them of this obligation.

In order to ensure full compliance with HQ Directive 49/2019, the Directive and minute have been re-issued recently. These minutes will be issued on a regular basis to ensure that each Chief

Superintendent is aware he/she must arrange to have Gardaí sit the new assessment before being transferred. The HQ Directive has also been reissued to all Garda staff and it is hoped that this will assist in increasing the numbers on the Irish Language Proficiency Panel which was established in September 2019. As previously mentioned, only 11 members had applied to be appointed to the ILPP, and only 9 members were successful. As the Panel progresses, allocations will be considered for all movements of Garda Members (transfers, promotions etc.) having regards to those on the panel.

In addition, a new Strategic Workforce Plan is being considered and drafted by An Garda Síochána in light of our recently designed Operating Model and the allocation of Garda Members with proficiency in Irish to Gaeltacht Stations and the requirements surrounding same will be addressed in the new Plan.

4. Arrangements in relation to Gardaí stationed in a District where there is a Gaeltacht area

When considering the number of Irish speaking Gardaí in stations that include a Gaeltacht area, The Irish Language Proficiency Panel will also be used. As with point 3 above, once sufficient numbers are available to Garda HR through the Irish Language Proficiency Panel rostering arrangements will be agreed with relevant Chief Superintendents.

It is important to note that An Garda Síochána is currently in the process of the biggest reorganisation of the force since its foundation. The new model being implemented will involve a complete restructuring of the current Divisions and a move away from the district model.

5. Arrangements regarding the Irish Language Recruitment Stream

As the Irish Language Proficiency Panel has now been established, any new member entering the organisation through the Irish Stream will be included on the Panel.

In relation to members who were recruited through this stream since 2014, and who have completed their probationary period, some have been stationed in Gaeltacht stations or stations that serve a Gaeltacht area. The remaining members who have not been transferred will be reminded of the commitment they gave when they joined and they will be asked to confirm their willingness to transfer to a Gaeltacht area or a station serving a Gaeltacht area. A minute has been drafted for these members and is being reviewed in relation to industrial relations mechanisms. Contact will be made with these members once the minute has been reviewed. Your Office will be kept informed of any new developments and a list of those currently serving in Gaeltacht stations or Gaeltacht District stations can be provided to your office at your request.

6. Protocol Regarding Specialised Units

An Garda Síochána's Strategic Workforce Plan is currently being redrafted having regard to the restructuring that is taking place under the design of the Organisational Operating Model that was announced in August 2019. This will include a new Local Policing Model that is based on functional areas rather than Districts. Within that Local Policing Model the Workforce Plan will look to ensuring that the right people are in the right place with the right skills. As part of this, Irish language requirements will be mainstreamed into the planning and recruitment processes. This will ultimately

include the recruitment, promotion, allocation and transfer of all Garda Personnel (Garda Members and Garda Staff). It will also addresses future gaps in terms of departures through retirements etc.

7. Arrangements in relation to Training Programme

Due to the COVID-19 pandemic the Garda College was closed in March 2020 and only necessary Firearms and Driving training continued. Whilst a number of trainees commenced training on 25th May this was with blended delivery using online methods where appropriate. It is anticipated that the Garda College will continue to operate in a very limited capacity for the coming months in order to comply with the current public health restrictions. In light of this the Garda College is undertaking a complete review of the Training Plan and associated budget for 2020 and running into 2021. My Office will ensure that Irish Language Training Programmes is included on the agenda as a priority item when while discussions on the revised plan are being undertaken.

8. Analysis of members retiring

We understand the importance of gathering data in relation to retirements as a way to identify opportunities to increase the number of Gardaí with fluency in Irish in Gaeltacht stations. We have previously provided your office with this information and will do so on a regular basis from now on. As for the distinction between members with sufficient proficiency in Irish along with members without sufficient proficiency in Irish, we are currently analysing these figures and they will be made available to your office without delay.

To conclude, I would like to reiterate that An Garda Síochána is intent on implementing all the recommendations made in Investigation IM241-B. Our goal is to ensure that over time all Garda members working in Gaeltacht stations are in a position to carry out their full duties through the medium of Irish ensuring the community it serves has a full service in both official languages. We are proud of the significant progress we have made over the past number of years while acknowledging that more needs to be done. We appreciate the assistance we have received from your office in recent years and we are optimistic that continued progress in the coming months will lead to a better policing service for members of the Gaeltacht community. As previously mentioned we would welcome a meeting at your earliest convenience to discuss any questions you may have.

Alan Mulligan
Acting Executive Director
HRPD

10th June 2020

**An Coimisinéir Teanga,
An Spidéal,
Gaillimh.
H91 VK23**

A Choimisinéir, a chara,

Thank you for your letter dated 29 June 2020. I understand your disappointment that the recommendations from the investigation have not yet been fully implemented, however, I can assure you that we are working diligently towards ensuring that they are carried out as soon as possible. An Garda Síochána has taken some very positive steps and implemented some important initiatives over the past number of years, however, as I mentioned in my previous correspondence dated 10th June 2020 there were a number of changes in personnel over the past year and a half and unfortunately, this led to a delay in progressing some of the actions. A more robust system to deal with implementing the recommendations is now in place and we hope this will yield further positive actions in the coming months.

The Irish Language Strategic Working Group is scheduled to meet in September 2020, this includes HRPD, the Irish Language Office and Chief Superintendents with a Gaeltacht area in their Division. We would like to extend an invitation to you and/or any of your representatives to attend this meeting.

1. Training examiners

I can report, as previously stated, that this recommendation has been carried out fully.

2. Irish Language Assessments

Assessments for the Irish Language Proficiency Panel took place in September 2019. HQ Directive 49/2018 was re-issued in June 2020 in an effort to attract more members to the Panel. Two new members expressed their desire to be included on the panel. One of those members has since been added to the panel while arrangements are being made regarding a date to carry out the assessment with the other member. The Panel now has 10 members, all at Garda rank. The Directive will be issued again in December 2020 with the intention of expanding the Panel. Language assessments will take place twice a year from here on out for members who wish to be included on the panel.

Each Garda Division was requested to ensure that each serving member who classified his/her spoken level of Irish as Level 4 or 5, using the self-assessment tools and criteria from the new Oral Irish Competency Framework, be identified. Appendix A shows the number of members currently working in Gaeltacht stations who have identified themselves as being proficient Irish speakers. As you are aware there were issues surrounding the accuracy of the old Irish language assessments and it is for this reason it was recommended a new assessment system be designed. We believe the new figures based on the self-assessment results from the new system are accurate. The only concern we would have is that some members who identified themselves

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at being proficient at Level 3 may have underestimated their capabilities. It is for this reason that we have requested that each Divisional Officer with a Gaeltacht station in their jurisdiction return to members and request all levels of proficiency to be identified, this will include members from Level 1 to 5.

It is also important that we are aware of all members identifying as Level 3 speakers as some of these members may be brought up to the accepted standard in a short period of time. We will inform your office of how many members have identified themselves as being proficient in Level 3 as soon as we received the final figures.

3. Transfer of Gardaí with Irish to Gaeltacht stations.

As you are aware, HQ Directive 49/2018 was issued in 2018 to ensure that any Garda being transferred to a Gaeltacht station had fluency in Irish. As was discussed with your office previously the Directive will be issued twice a year and a note to Chief Superintendents will also be issued regularly.

As mentioned above, a meeting of the Irish Language Strategic Working Group has been scheduled for the September 2020. This is also an opportune time to remind Chief Superintendents of our obligations regarding transfers to Gaeltacht stations. As a result of the various changes in personnel this group has not met in the past year and a half. This group will begin meeting again twice a year to ensure that only members from Irish Language Proficiency Panel are transferred to Gaeltacht stations as stated in HQ Directive 49/2018.

4. Arrangements in relation to stations in a District where there is a Gaeltacht area

As stated in my correspondence dated 10th June 2020, when considering the number of Irish speaking Gardaí in stations that include a Gaeltacht area, The Irish Language Proficiency Panel will also be used. As with point 3 above, once sufficient numbers are available to Garda HR through the Irish Language Proficiency Panel rostering arrangements will be agreed with relevant Chief Superintendents. An Garda Síochána is currently in the process of the biggest reorganisation of the force since its foundation. The new model being implemented will involve a complete restructuring of the current Divisions and a move away from the district model.

5. The Irish Language Recruitment Stream

The Irish Language Stream in the recruitment process is an example of how An Garda Síochána has endeavoured to implement An Coimisinéir Teanga's recommendations over the years. To date, 43 members have been recruited through the Irish stream. The Irish Language Office is working alongside my office to collate information regarding those members recruited through that stream, their current stations etc. That information will be forwarded to your office shortly.

Some members recruited through the Irish Language Stream who have completed their probationary period are currently serving in Gaeltacht stations and some are serving in stations that serve a Gaeltacht region. All members recruited through the stream who have completed their probationary Period will be contacted next week and reminded of the commitments they

gave when they joined. They will be asked to confirm their willingness to transfer to a Gaeltacht station or a station serving a Gaeltacht area. We will contact your office when we have further information.

The other members from the Irish Stream will be transferred to a Gaeltacht station or a station that serves a Gaeltacht region once their probationary period is completed and their Chief-Superintendent deems it appropriate. Over the past number of years Garda HR have ensured that members who were recruited through the Irish stream have been allocated to a training station in a Division where there was a Gaeltacht region.

6. Specialised Units Serving Gaeltacht Communities

As mentioned in my correspondence dated 10th June 2020, An Garda Síochána's Strategic Workforce Plan is currently being redrafted having regard to the restructuring that is taking place under the design of the Organisational Operating Model that was announced in August 2019. This will include a new Local Policing Model that is based on functional areas rather than Districts. Within that Local Policing Model the Workforce Plan will look to ensuring that the right people are in the right place with the right skills. As part of this, Irish language requirements are being mainstreamed into the planning and recruitment processes.

In the meantime, as we have previously reported to you, senior management have undertaken an important operation in the Kerry Division. Members from the Roads Policing Unit have been carrying out checkpoints through Irish in the Kerry Gaeltacht once a month, since 2018. The members carrying out the checkpoints are not local Gardaí and the initiative has been very well received by members of the public. These checkpoints are all recorded on Pulse. The Kerry Division are now enhancing this important initiative by taking the following actions:

- Various multi-agencies who take part in interagency checkpoints with the RPU have been briefed on the initiative and have been invited to take part. All the agencies involved have expressed a willingness to being involved.
- A sergeant has been nominated to act as reference point for the various agencies and will ensure that ethos of the checkpoints is maintained.
- Gardaí who were recruited through the Irish Stream or Gardaí who are fluent in Irish are to be utilised and will assist at these checkpoints.
- The locations of the checkpoints will continue to be selected with a view to providing an inclusive service throughout the Kerry Gaeltacht.

It is hoped that this can be replicated in other Divisions which include a Gaeltacht area and Divisional Officers will be contacted shortly to determine whether other Divisions could implement a similar service. This proposal is being sent for review to the Deputy Commissioner Policing and Security.

7. Training Programme

The Irish Language Office had a meeting with Gaelchultúr on the 16th July 2020 and a proposal to develop online Irish language courses which will be accessible to all Garda staff will be

included on the agenda as a priority item when the Garda College reviews the Training Plan and budget for 2020/2021. We will contact your office as soon as we have any further updates on this matter.

8. Analysis of members retiring

As promised, please see Appendix B for information in relation to retirements in Gaeltacht stations over the next 10 years. This is valuable information and we will ensure that any member who retires will be replaced by a member with fluency in Irish.

Once again, I would like to reiterate that An Garda Síochána is intent on implementing all the recommendations made in Investigation IM241-B.

Alan Mulligan
Acting Executive Director
HRPD

16th July 2020