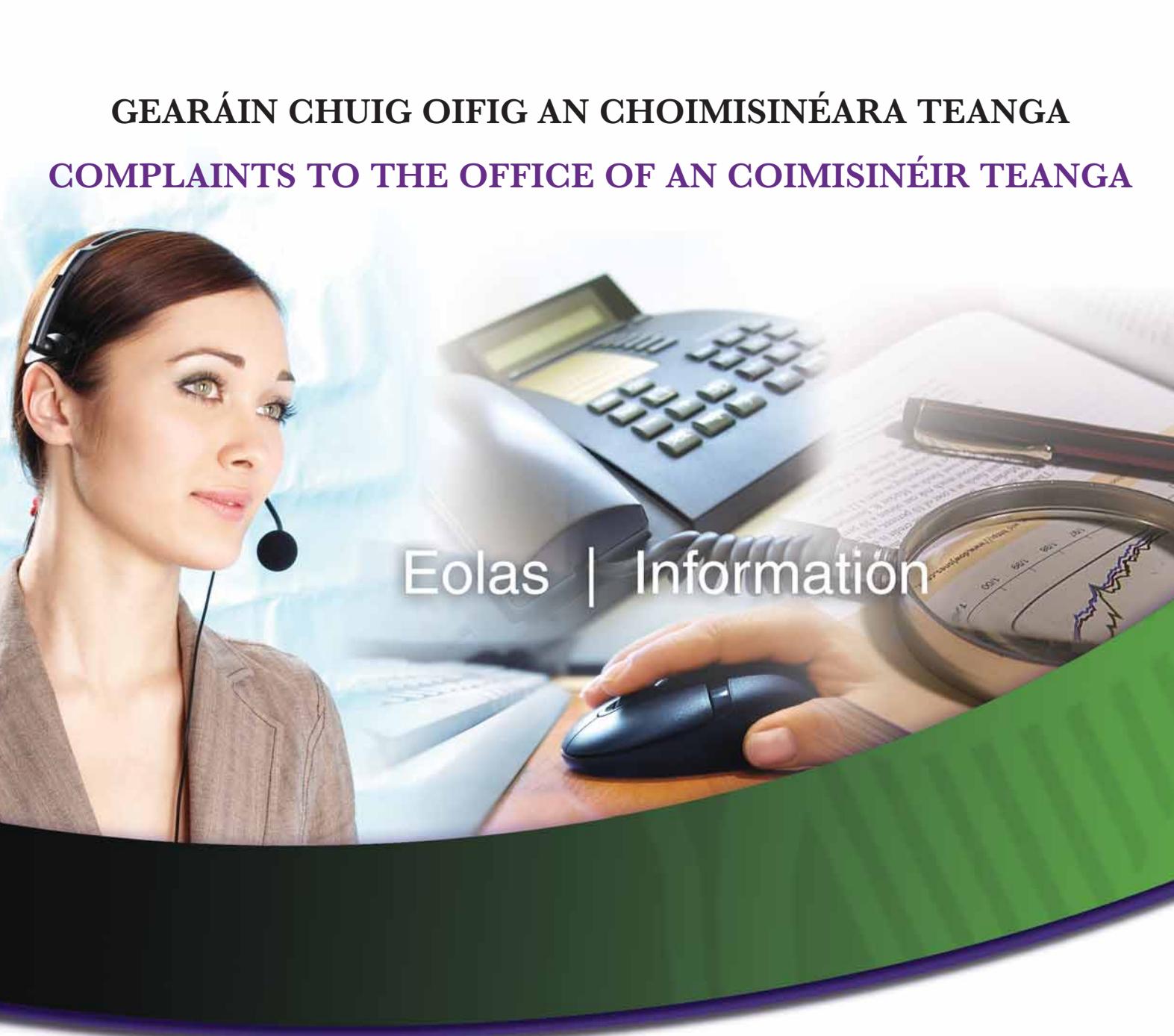


GEARÁIN CHUIG OIFIG AN CHOIMISINÉARA TEANGA

COMPLAINTS TO THE OFFICE OF AN COIMISINÉIR TEANGA



Eolas | Information

Déileálann an Coimisinéir Teanga le gearán ó dhaoine den phobal a mbíonn deacracht acu teacht ar sheirbhísí i nGaeilge ó eagraíochtaí stáit. Tá na seirbhísí a bhfuil dualgas ann iad a sholáthar i nGaeilge leagtha amach in achtacháin éagsúla, ar a n-áirítear sraith d'Achtanna Oireachtais (e.g. Acht na dTeangacha Oifigiúla), rialacháin, scéimeanna, ordacháin, ionstraimí reachtúla, etc. Tá foilseacháin ar leith ar fáil ina ndírítear ar úsáid na Gaeilge i seirbhísí sonracha i.e. sna cúirteanna agus ar chomharthaí tráchta (féach ar www.coimisineir.ie).

Ceapann an tUachtaráin an Coimisinéir Teanga do thréimhse 6 bliana ar chomhairle an rialtais tar éis don Dáil agus don Seanad rúin a rith ag moladh an cheapacháin. Is oifig reachtúil, neamhspleách í Oifig an Choimisinéara Teanga.

An Coimisinéir Teanga deals with complaints from members of the public who have difficulty accessing the services of state organisations in Irish. The services which state organisations are required to provide in Irish are set out in various enactments, including a range of Acts of the Oireachtas (e.g. the Official Languages Act), regulations, schemes, orders, statutory instruments, etc. Separate publications are available which deal with the use of Irish in specific services i.e. in the courts and on traffic signs (see www.coimisineir.ie).

An Coimisinéir Teanga is appointed for a 6-year term by the President on the advice of government following resolutions in the Dáil and Seanad approving the appointment. The Office of An Coimisinéir Teanga is an independent statutory office.

I measc na n-eagraíochtaí stáit a bhfuil dualgas orthu seirbhísí áirithe a sholáthar i nGaeilge, tá ranna agus oifigí rialtais, údarásí áitiúla, institiúidí tríú leibhéal, gníomhaireachtaí stáit, an HSE, na Coimisinéirí loncaim, an Garda Síochána, CIÉ, an Post, an tSeirbhís Chúirteanna, etc. Is iondúil nach mbíonn aon dualgas reachtúil ar chuideachtaí ná ar eagraíochtaí príobháideacha seirbhísí a sholáthar i nGaeilge.

Seirbhísí

Caithfidh eagraíochtaí stáit bunseirbhís a sholáthar i nGaeilge. Áiritear anseo freagraí a thabhairt i nGaeilge ar litreacha nó ríomhphoist i nGaeilge, croídhociméid áirithe a fhoilsíú go comhuaineach i nGaeilge agus i mBéarla, úsáid cheart na Gaeilge a chinntí ar chomharthaíocht, stáiseanóireacht agus ar chora poist, etc.

Tá dualgas ar egraíochtaí stáit ar leith seirbhísí breise a sholáthar i nGaeilge chun cloí le reachtaíocht áirithe agus/nó le scéimeanna reachtúla teanga. D'fhéadfadh soláthar na seirbhísí seo a leanas i nGaeilge a bheith san áireamh – seirbhísí teileafón & cuntair, foirmeacha iarratais, bileoga eolais, suíomhanna gréasáin & seirbhísí idirghníomhacha ar líne. D'fhéadfadh éagsúlacht a bheith idir na seirbhísí seo ó eagraíocht go heagraíocht nó ó réigiún go réigiún, ceantair Ghaeltachta san áireamh. Tugtar eolas ar na seirbhísí a bhfuil dualgas ar egraíochtaí stáit iad a sholáthar i nGaeilge ar an suíomh gréasáin dátheangach www.coimisineir.ie.

Gearáin

Má tá duine den phobal míshásta leis an leibhéal seirbhís i nGaeilge atá ar fáil ó eagraíocht stáit, d'fhéadfadh sé/sí a fhiosrú cé acu an bhfuil nó nach bhfuil dualgas ar an eagraíocht an tseirbhís sin a sholáthar i nGaeilge. Is féidir é seo a dhéanamh leis an eagraíocht í féin nó go neamhspleách leis an gCoimisinéir Teanga.

Mura féidir gearán maidir le soláthar seirbhís i nGaeilge a réiteach go díreach idir an duine den phobal agus an eagraíocht stáit, tá sé de cheart aige/aici an gearán a chur ar aghaidh chuig an gCoimisinéir Teanga.

Is féidir é seo a dhéanamh i nGaeilge nó i mBéarla trí ghlaoch ar 1890 504 006 (uimhir íosghlao), trí ríomhphost a sheoladh chuig eolas@coimisineir.ie, trí leas a bhaint as an bhfoirm ghearáin ar líne ag www.coimisineir.ie, tríd an bpost chuig: An Coimisinéir Teanga, An Spidéal, Co. Galway or by fax to (091) 504 036.

Services

State organisations must provide a basic level of service in Irish. This includes replying in Irish to letters or emails in that language, publishing certain core documents simultaneously in Irish and English, ensuring the proper usage of Irish on signage, stationery and mailshots, etc.

Certain state organisations are obliged to provide additional services in Irish in line with specific legislation and/or with statutory language schemes. These services may include the provision of telephone & counter services, application forms, information leaflets, websites & online interactive services in Irish. Such services may differ from organisation to organisation or from region to region, including Gaeltacht areas. Information on the services to be provided in Irish by state organisations may be found on the bilingual website www.coimisineir.ie.

Complaints

If a member of the public is unhappy with the level of service in Irish available from a state organisation, he/she may wish to establish whether or not the organisation in question is obliged to provide that service in Irish. This may be done through the organisation itself or independently through An Coimisinéir Teanga.

If complaints about the provision of services in Irish cannot be resolved directly between the member of the public and the state organisation, he/she has a right to refer the complaint to An Coimisinéir Teanga.

This may be done in Irish or in English by phone to 1890 504 006 (Lo-Call number), by email to eolas@coimisineir.ie, by using the online complaint form at www.coimisineir.ie, by post to An Coimisinéir Teanga, An Spidéal, Co. Galway or by fax to (091) 504 036.

The state organisations which must provide certain services in Irish include government departments and offices, local authorities, third-level institutions, state agencies, the HSE, the Revenue Commissioners, An Garda Síochána, CIÉ, An Post, the Courts Service, etc. Generally, private companies and organisations are not required by legislation to provide services in Irish.

Próiseáil Gearán

Feidhmíonn an Coimisinéir Teanga mar ombudsman neamhspleách chun gearán maidir le seirbhís stáit i nGaeilge a réiteach. Níl aon chostas ar an tseirbhís seo. Má dhéantar gearán leis an gCoimisinéir Teanga, eisítear admháil agus déantar an t-ábhar a scrúdú go cúramach.

Má dhealraíonn sé go bhfuil bunús leis an ngearán, téann an Coimisinéir Teanga i dteagmháil leis an eagraíocht stáit lena mbaineann agus déantar iarracht i dtosach an cheist a réiteach go neamhfhoirmiúil, más féidir agus más cuí. Is iondúil go ndéantar é seo trí oifigeach ainmnithe (i.e. oifigeach Gaeilge) má tá a leithéid aitheanta san eagraíocht. Mura bhfuil, d'fhéadfadh sé go gcuirfí an cheist faoi bhráid cheann na heagraíochta.

Déantar gach gearán ar leith a mheas as féin. Níl aon rial ar leith ann maidir leis an mbealach ina mbaintear réiteach inghlactha amach. Más rí-léir go bhfuil sárú dualgais ann, d'fhéadfadh sé go mbeadh leithscéal leis an duine a rinne an gearán mar chuid den réiteach chomh maith le gealltanás go gcuirfí córais i bhfeidhm le cinntíu oiread agus is féidir nach dtiocfad an t-ábhar a bhí ina chnámh spairne chun cinn arís.

I gcomhréir leis an dea-chleachtas idirnáisiúnta, dírítear ar shubstaint an ghearáin seachas ar an ngearánach (i.e. ar an teachtaireacht seachas ar an teachtaire). Is iondúil nach dtugtar sonraí pearsanta an ghearánaigh don eagraíocht stáit ach amháin lena c(h)eard agus sa chás nach féidir an gearán a réiteach dá n-uireasa.

De ghnáth, tugtar 10 lá oibre don eagraíocht stáit teacht ar réiteach neamhfhoirmiúil. Mura féidir an gearán a réiteach go neamhfhoirmiúil, d'fhéadfadh an Coimisinéir Teanga imscrúdú reachtúil foirmiúil a thionscnamh.

Processing of Complaints

An Coimisinéir Teanga functions as an independent ombudsman to resolve complaints in relation to state services in Irish. There is no charge for this service. If a complaint is made to An Coimisinéir Teanga, it is acknowledged and the matter is examined carefully.

If there appears to be a basis to the complaint, An Coimisinéir Teanga contacts the state organisation concerned and initially attempts to resolve the matter informally, if possible and if appropriate. This is generally done through a designated official (i.e. Irish language officer) if such a position exists in the organisation. If not, the matter may be addressed to the head of the organisation.

Each complaint is considered on its own merits. There is no hard and fast rule as to how an acceptable resolution is achieved. If a breach of obligation is readily established, the resolution may involve an apology to the member of the public and an undertaking to put systems in place to ensure as far as is possible that the matter complained of will not arise again.

In line with international best practice, the focus is on the substance of the complaint rather than on the complainant (i.e. the message rather than the messenger). Generally, the complainant's personal details are only revealed to the state organisation with his/her permission and only where it is necessary to resolve the complaint.

Usually, the state organisation is given 10 working days in order to achieve an informal resolution. If the complaint cannot be resolved informally, An Coimisinéir Teanga may initiate a formal statutory investigation.

Imscrúduithe Foirmiúla

Le linn imscrúdú foirmiúil, iarrtar ar an eagraíocht stáit freagra mionsonraithe faoin ngearán a sholáthar mar aon le taifid, eolas agus comhaid chuí. D'fhéadfadh sé go n-iarrfaí ar dhaoine ar leith eolas ó bhéal a thabhairt.

Is iondúil go ndéantar an chumarsáid maidir le himscrúduithe foirmiúla reachtúla i scríbhinn agus i nGaeilge idir ceann na heagraíochta stáit agus an Coimisinéir Teanga. Cé gur faoin gCoimisinéir Teanga atá sé na nósanna imeachta is cuí leis a leagan amach d'imscrúduithe, leantar an próiseas seo de ghnáth:

- Bíonn ar an eagraíocht stáit an t-eolas ábhartha ar fad a sholáthar don Choimisinéir Teanga, laistigh de 3 seachtaine go hiondúil.
- Tar éis don Choimisinéir Teanga an t-eolas a scrúdú, d'fhéadfadh sé eolas breise a lorg, ar a n-áirítear eolas ó bhéal.
- Nuair atá na sonraí cuí ar fad tugtha, d'fhéadfadh an Coimisinéir Teanga dréacht-tuarascáil a eisiúint, más cuí, rud a thugann deis don eagraíocht stáit cruinneas an eolais a dheimhniú. Ní bhíonn fionnachtana ná moltaí san áireamh ina leithéid de dhréacht-tuarascáil.
- Tar éis an t-imscrúdú a chríochnú agus an cheist atá faoi chaibidil a bhreithníú, eisíonn an Coimisinéir Teanga tuarascáil chríochnúil don ghearánach, don eagraíocht stáit agus don Roinn Gnóthaí Pobail, Comhionannais agus Gaeltachta. Bíonn cinneadh (fionnachtana) agus moltaí an Choimisinéara Teanga maidir leis an ngearán san áireamh sa tuarascáil sin.
- Is féidir achomharc a dhéanamh chuig an Ard-Chúirt ar phonc dlí i gcoinne chinneadh an Choimisinéara Teanga laistigh de 4 seachtaine.
- Má theipeann ar an eagraíocht stáit na moltaí a rinneadh ina leithéid de thuarascáil a chur i bhfeidhm laistigh de thréimhse réasúnach ama, is féidir leis an gCoimisinéir Teanga é seo a thuairisciú chuig Tithe an Oireachtas.

Formal Investigations

During a formal investigation, the state organisation is asked to provide a detailed response to the complaint and also to provide access to appropriate records, information and files. Individuals may be required to provide information orally.

Communication in formal statutory investigations is usually conducted in writing and in Irish between the head of the state organisation and An Coimisinéir Teanga. While the procedures for conducting investigations are such as An Coimisinéir Teanga considers appropriate in all the circumstances of the case, generally the process is carried out as follows:

- The state organisation is required to provide all relevant information to An Coimisinéir Teanga, normally within 3 weeks.
- Having examined the information provided, An Coimisinéir Teanga may seek additional information including oral information.
- When all relevant details have been provided, An Coimisinéir Teanga may, if appropriate, issue a draft report which allows the state organisation to validate the information. Such a draft report does not contain findings or recommendations.
- Having completed the investigation and considered the matter in question, An Coimisinéir Teanga issues a full report to the complainant, to the state organisation and to the Minister for Community, Equality and Gaeltacht Affairs. This report includes the decision (findings) and recommendations of An Coimisinéir Teanga in relation to the complaint.
- The decision of An Coimisinéir Teanga may be appealed to the High Court on a point of law within 4 weeks.
- If the state organisation fails to implement the recommendations made in such a report within a reasonable time, An Coimisinéir Teanga may report this to the Houses of the Oireachtas.

Is achoimre shimplithe é seo ar an bpróiseas gearán a bhfuil míniú iomlán tugtha ina leith in Acht na dTeangacha Oifigiúla 2003. San fhoilseachán seo, ciallaíonn an Coimisinéir Teanga, de réir mar a éilíonn an comhthéacs, Oifig Choimisinéir na dTeangacha Oifigiúla a bunaíodh le reachtaíocht nó sealbhóir reatha na hOifige sin.

This is a simplified overview of the complaints process which is outlined in full in the Official Languages Act 2003. In this publication An Coimisinéir Teanga means, as the context may require, Oifig Choimisinéir na dTeangacha Oifigiúla as established by legislation or the current holder of that office.