

Offaly County Council



Comhairle Chontae Uíbh Fhailí
Offaly County Council

Summary

The investigation found that Offaly County Council had breached the statutory language obligations confirmed in the Regulations in relation to signage issued under subsection 9(1) of the Official Languages Act 2003 [Official Languages Act 2003 (section 9) Regulations 2008] (S.I. No. 391 of 2008), in the case of various signs erected by it in Edenderry, Tullamore and Birr. Offaly County Council also breached the statutory language obligations confirmed in the regulations and orders made under subsections 95(2) and 95(16) of the Road Traffic Act 1961 in respect of parking signs and parking signs for those with disabilities in Edenderry.

Basis for the Complaint

Three complaints were made to me between October 2017 and January 2019 regarding the lack of Irish on Offaly County Council signs. These complaints were queried with the County Council through the informal process that my Office operates as a first step in the investigation process. Notwithstanding ongoing efforts by my Office, including a letter from myself to the Chief Executive of the County Council in August 2019, the County Council was unable to provide a response or a complete response to those complaints and on that basis I decided to launch an investigation.

Investigation Process

I was deeply disappointed at the lack of progress made through the informal process as I had already made a recommendation as part of the investigation process on Offaly County Council (IM592A) in 2016 as follows:

That the Council put in place an appropriate system immediately, as promised, to deal in a timely manner with complaints from my Office or from members of the public in relation to the Official Languages Act 2003.

These complaints about signage were not difficult to resolve informally if only appropriate input into the process had been received from Offaly County Council. It was a poor reflection on the County

Council that I deemed it necessary to undertake an investigation a second time to determine findings and recommendations in the case.

In addition to the signage issue itself, the County Council was asked to give a full account of the system in place in the organisation to investigate and respond to complaints from my Office in relation to signage and, in light of the long delay in responding to the complaints, the County Council was asked if it was of the opinion that its complaints investigation system was fit for purpose. Where the County Council believed this system was not suitable, or fully appropriate, the County Council was asked to identify the weaknesses of the complaints querying system and to take the necessary steps to develop that system.

The County Council completely failed to respond to the investigation and to provide the information requested, despite a significant number of attempts by my Office to seek co-operation. These efforts include letters of my own on 2 November 2020 and 5 January 2021 to the Chief Executive of the County Council, in which I informed her that there was a requirement under section 22 of the Official Languages Act 2003 for any person from whom I request any information, record or other matter on which the person has power or control, to provide me with the information for the purpose of my functions.

As a result of a lack of action by Offaly County Council on this case I took the unusual decision in July 2021 to require the Chief Executive of the County Council under section 22(1)(a) of the Official Languages Act 2003 to attend before me and to provide me with oral information in relation to the subject matter of the investigation.

The Director of my Office was contacted by a Senior Executive Officer in the Human Resources/ Corporate Affairs Department of the County Council in August 2021. An apology was made on behalf of Offaly County Council for the lack of engagement to date and a promise that the issues raised in the investigation were being investigated and would be responded to shortly. This was confirmed again in a letter dated 26 August 2021.

Considering the correspondence and co-operation promised by the Council, I decided at that time not to require the Chief Executive of the County Council to appear before me to give oral evidence. The County Council responded to Phase One of the investigation by letter dated 19 November 2021. This response focused on the questions relating to the signs about which complaints had been made. The lack of co-operation by the County Council in investigating complaints from my Office was fundamental to both investigations I had conducted and having appraised the County Council's case I decided to write yet again on 17 August 2022 and request a detailed response in relation to the investigation's queries regarding the Council's complaints enquiry system, in summary:

- Provide a full account of the system in place in the organisation to investigate and respond to complaints from my Office in relation to signage.
- Given the lengthy delay in providing a response to the complaints, did the County Council consider that its complaints investigation system was fit for purpose?
- Where the County Council believed its system was not fully suitable or appropriate, the County Council was asked to identify the weaknesses in the complaints investigation system and to take the necessary steps to make that system more appropriate.

There was again a delay in responding to this communication. It was answered in a letter dated 9 November 2022.

Co-operation with Oifig an Choimisinéara Teanga

While Offaly County Council apologised for its lack of action and complete disregard for a statutory investigation following the initiation of section 22(1), no explanation was given as to why or how it occurred within the timeline provided.

I am not aware of any other public body which has shown such complete disregard for co-operation with this Office since the commencement of the Official Languages Act 2003. During my nine years as Coimisinéir Teanga, no other local authority, or indeed any other public body, to my knowledge, has been as dilatory and unresponsive in communicating with my Office as Offaly County Council during this investigation.

Main Recommendations of the Investigation

- I recommended that the signs mentioned in the investigation be corrected within three months so that they would be:
 - 1) in accordance with the Regulations made under the Official Languages Act 2003 regarding the use of the official languages on signs, or
 - 2) in accordance with the language provisions contained in the Traffic Signs Manual.
- I recommended that Offaly County Council put in place a system so that all new signs erected would henceforth be in accordance with the relevant language legislation.
- I recommended that the County Council's communications response system be reviewed and that recommendations be made to me to amend that system so that there is no undue delay or failure to communicate with respect to correspondence from me in the performance of my statutory functions as Coimisinéir Teanga under the Official Languages Acts.

Timeline of Investigation

Investigation launched: 9 June 2020

Report issued: 19 December 2022